

“EXHIBIT 4”

Ishynique McCoy 07/19/2021

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL No. 2:18-CV-04079

ISHYNIQUE MCCOY,)
Plaintiff,)
- VS -)
T-MOBILE STORE;)
T-MOBILE USA, INC.;)
ASSURANT, INC.;)
ASURION AND APPLE,)
INC.,)
Defendants.)

TRANSCRIPT OF VIDEO
DEPOSITION, taken by and before CAROL NEALIS,
Professional Reporter and Notary Public, via
ZOOM, Haddonfield, New Jersey, on Monday, July
19, 2021, commencing at 10:45 a.m.

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A P P E A R A N C E S:

BERNHARDT, ROTHERMEL & SIEGEL
BY: FRANK ROTHERMEL, ESQUIRE
1515 Market Street
Suite 1540
Philadelphia, PA 19102
Attorneys for the Plaintiff
LAW OFFICES OF ANDREA J. BULLOCK
BY: CHENG I. TO, ESQUIRE
1600 Market Street
Suite 2020
Philadelphia, PA 19103
Attorneys for Asurion
MARKS, O'NEILL, O'BRIEN, DOHERTY & KELLY
BY: MARC PECCI, ESQUIRE
1617 JFK Boulevard
Suite 1010
Philadelphia, PA 19103
Attorneys for T-Mobile and Cworks
MARSHALL, DENNEHEY, WARNER, COLEMAN &
GOGGIN
BY: MELANIE FOREMAN, ESQUIRE
2000 Market Street
Suite 2300
Philadelphia, PA 19103
Attorneys for ATC Logistics and
Electronics, Inc.
SHOOK, HARDY & BACON
BY: ERIN LEFFLER, ESQUIRE
Two Commerce Square
2001 Market Street
Suite 3000
Philadelphia, PA 19103
Attorneys for Apple, Inc.

A L S O P R E S E N T:

Adam Balenciaga - Videographer

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(By agreement of counsel, the
sealing, filing, and certification of the
transcript have been waived; and all
objections, except as to the form of the
question, have been reserved until the time
of trial.)

VIDEOGRAPHER: We are now on the
record. My name is Adam Balenciaga. I am
a videographer retained by ERSA Court
Reporting.

This is a video deposition for
the United States District Court for the
Eastern District of Pennsylvania. Today's
date is July 19, 2021 and the video time is
10:45 a.m.

This deposition is being held
over a Zoom in the matter of Ishynique
McCoy vs. T-Mobile. The deponent is
Ishynique McCoy.

All counsel will be noted on the
stenographic record. Will all Counsel
please identify themselves?

MR. ROTHERMEL: Frank Rothermel

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<p>1 for plaintiffs -- for plaintiff.</p> <p>2 MS. TO: Cheng To for Asurion.</p> <p>3 MR. PECCI: Marc Pecci for</p> <p>4 T-Mobile and CWorks.</p> <p>5 MS. FOREMAN: Melanie Foreman on</p> <p>6 behalf of third-party defendant, ATC</p> <p>7 Logistics and Electronics Inc.</p> <p>8 MS. LEFFLER: Erin Leffler on</p> <p>9 behalf of the defendant, Apple Inc.</p> <p>10 VIDEOGRAPHER: The court reporter</p> <p>11 is Carol Nealis and will now swear in the</p> <p>12 witness.</p> <p>13 ISHYNIQUE MCCOY, after having</p> <p>14 been duly sworn, was examined and testified</p> <p>15 as follows:</p> <p>16</p> <p>17 MS. TO: Great, are we ready?</p> <p>18 MR. ROTHERMEL: We're ready.</p> <p>19 BY MS. TO:</p> <p>20 Q. Okay, thank you. Good morning, Ms. McCoy.</p> <p>21 My name is Cheng To. I am an attorney. I</p> <p>22 represent -- I represent Asurion in this matter, in</p> <p>23 this lawsuit that you've brought relating to an</p> <p>24 incident where you allege personal injury.</p> <p style="text-align: right;">5</p>	<p>1 most of it but you're missing just like a tiny bit,</p> <p>2 tell me that.</p> <p>3 I want you to be able to hear the entire</p> <p>4 question and I want to be able to hear your entire</p> <p>5 answer; okay?</p> <p>6 A. Okay.</p> <p>7 Q. All right. So if that means that you have</p> <p>8 to wave at me on the screen because, you know, I've</p> <p>9 lost the connection and you've lost connection,</p> <p>10 please do that.</p> <p>11 You know, don't feel like you have to</p> <p>12 answer my question just because, you know, I said it</p> <p>13 even if you didn't finish hearing it.</p> <p>14 So other than that, I'm here to ask you</p> <p>15 some questions about you today and about the</p> <p>16 incident. And some of the other attorneys may also</p> <p>17 ask you questions when I'm finished.</p> <p>18 But it's important that you understand that</p> <p>19 you are under oath today even though we're not in</p> <p>20 the same room and we're not in a courtroom.</p> <p>21 Do you understand what it means to be under</p> <p>22 oath?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So you understand that the court</p> <p style="text-align: right;">7</p>
<p>1 So before we begin, I just want to go over</p> <p>2 some ground rules with you. And I absolutely</p> <p>3 appreciate your patience this morning. So thank you</p> <p>4 again for waiting with us while we were working</p> <p>5 through some technical difficulties.</p> <p>6 So normally, we would be doing this in</p> <p>7 person. But given the pandemic, we're doing this on</p> <p>8 Zoom.</p> <p>9 And today, the deposition is going to be</p> <p>10 recorded by a videographer. Do you understand that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And, Ms. McCoy, you're very soft</p> <p>13 spoken. So we're going to ask, or I'm going to ask,</p> <p>14 that you please speak up so that I can hear you and</p> <p>15 so that the court reporter, you know, will</p> <p>16 definitely be able to transcribe you and so that the</p> <p>17 computer can take down what you say accurately; is</p> <p>18 that fair?</p> <p>19 A. Yes.</p> <p>20 Q. Okay, thank you. And so with this</p> <p>21 technology, number one rule is, if for whatever</p> <p>22 reason the computer or the connection goes crazy and</p> <p>23 you can't hear me or I can't hear you or, you know,</p> <p>24 I ask you a question and you hear maybe, you know,</p> <p style="text-align: right;">6</p>	<p>1 reporter placed you under oath and you are obligated</p> <p>2 to tell the truth. Do you understand that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And so this goes, normally as well</p> <p>5 but this is especially the case when we're doing</p> <p>6 this by Zoom, it's very important that we speak one</p> <p>7 at a time. We're doing this pretty well so far.</p> <p>8 Sometimes when we start talking, you might</p> <p>9 think that, you know, you know where my question is</p> <p>10 going and start to answer it before my question is</p> <p>11 finished.</p> <p>12 You may be very well correct that, you</p> <p>13 know, it's exactly the question that I'm going to be</p> <p>14 asking.</p> <p>15 But in order for the court reporter to get</p> <p>16 a clean record so that she types down everything</p> <p>17 correctly and so that everything sounds, you know,</p> <p>18 in such a way that we can hear it, it's important</p> <p>19 that you let me finish my question and I let you</p> <p>20 finish your answer. Is that okay?</p> <p>21 A. Yes.</p> <p>22 Q. Great. At any point if you don't</p> <p>23 understand my question, whether it's you don't hear</p> <p>24 me, I use a word that you're not familiar with,</p> <p style="text-align: right;">8</p>

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<p>1 anything at all, tell me that. And I will make an 2 effort to have the question repeated or rephrased in 3 a way that you understand it. Does that make sense 4 to you?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. If you answer the question that I 7 pose, I'm going to assume that you understood it. 8 Is that okay?</p> <p>9 A. Yes.</p> <p>10 Q. Great. So my job here today is to get 11 answers from you based on your knowledge, your 12 understanding and your recollection and your memory 13 of stuff.</p> <p>14 I don't need you to guess. Please do not 15 guess. If you don't know the answer to something, I 16 don't know, I don't remember, that's totally fine.</p> <p>17 You know, if you're able to estimate or 18 approximate, which, for example, if I ask you about, 19 you know, the size of a room, right, and, you know, 20 unless you know the exact measurement, if you're 21 able to tell me, well, I think it's approximately 10 22 feet, you know, 10 feet by 10 feet wide, if you're 23 able to give me an approximation or estimation, tell 24 me that.</p> <p style="text-align: right;">9</p>	<p>1 A. Okay.</p> <p>2 Q. Great. And I am going to -- you know, I 3 hope not to take up too much of your time today. 4 But, you know, if you need any --</p> <p>5 If you need a break or anything, this is 6 not intended to be a marathon. I'm not trying to 7 see how much of this you can endure.</p> <p>8 If you need a break, I would ask that you 9 answer the question that I, you know, have asked you 10 and then just let us know. And we can, you know, 11 accommodate you to, you know, stretch your legs, use 12 the restroom, whatever; okay?</p> <p>13 A. Okay.</p> <p>14 Q. All right. And so before we get started, I 15 know we've had some time this morning even before 16 now, do you need any time, any additional time, to 17 speak with your attorney before we begin?</p> <p>18 A. No.</p> <p>19 MR. ROTHERMEL: I would like to 20 say -- I would like to reserve the right to 21 read and sign the deposition, so.</p> <p>22 MS. TO: Okay.</p> <p>23 MR. ROTHERMEL: I'll put that on 24 the record.</p> <p style="text-align: right;">11</p>
<p>1 But if you just really have no idea, don't 2 feel like just because I asked you a question you 3 have to give me an answer. You can tell me I don't 4 remember, I don't know, got it?</p> <p>5 A. Okay.</p> <p>6 Q. Okay. And then please keep all your 7 answers verbal. So I know that this is being 8 recorded and I can see you, you can see me.</p> <p>9 But, you know, sometimes I talk with my 10 hands. I don't know if you do. But talking with 11 our hands, the court reporter is not going to be 12 able to get that.</p> <p>13 And even though it's recorded, sometimes, 14 you know, you look at this six months later and 15 nobody knows what we're talking about.</p> <p>16 So it's important to just put all of your 17 responses in words even when we're describing things 18 that we can, you know, otherwise describe with our 19 hand or things like uh-huh, uh-uh, it just doesn't 20 mean anything six months from now, so yes, no.</p> <p>21 And at some point, you know, if I say to 22 you something like was that a yes, was that a no, 23 I'm not trying to be rude. I just want to make sure 24 that we're getting the record clean; okay?</p> <p style="text-align: right;">10</p>	<p>1 MS. TO: Sure.</p> <p>2 BY MS. TO:</p> <p>3 Q. And so, Ms. McCoy, are you ready to begin 4 your deposition today?</p> <p>5 A. Yes.</p> <p>6 Q. Great. So, Ms. McCoy, is there anything -- 7 anything right now that would prevent you from being 8 able to fully understand my questions today?</p> <p>9 A. No.</p> <p>10 Q. Okay. Is there anything about today, any 11 condition, any situation at all, that would prevent 12 you from being able to answer my questions 13 truthfully today?</p> <p>14 A. No.</p> <p>15 Q. Okay. So are you taking any medication 16 today?</p> <p>17 A. No.</p> <p>18 Q. Okay. In the last 24 hours, have you taken 19 any medication?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What have you taken?</p> <p>22 MR. ROTHERMEL: Can you just 23 phrase it as to whether or not the 24 medication would be such that would impair</p> <p style="text-align: right;">12</p>

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1 her ability to give full and -- fulsome and
2 truthful testimony?
3 MS. TO: That's fine.
4 BY MS. TO:
5 **Q. Ms. McCoy, in the last 24 hours, have you**
6 **taken any medication that would prevent you from**
7 **being able to fully understand my questions today?**
8 A. No.
9 **Q. Okay. Have you taken any medication in the**
10 **last 24 hours that would prevent you from being able**
11 **to answer my questions truthfully today?**
12 A. No.
13 **Q. Okay. And in the last 24 hours, have you**
14 **had any alcohol, anything -- any alcohol to drink?**
15 A. No.
16 **Q. Okay. Have you ever been in a deposition**
17 **before? Do you understand what I mean by**
18 **deposition?**
19 A. I understand what you mean. But, no, I've
20 never been in a deposition before.
21 **Q. Okay. Have you ever been part of a lawsuit**
22 **before whether or not you have been part of a**
23 **deposition?**
24 A. No.

13

1 **Q. Okay. I'll phrase it a different way just**
2 **to make sure we've crossed off all of our Ts.**
3 **Have you ever sued anyone before?**
4 A. No.
5 **Q. Have you ever been sued before?**
6 A. No.
7 **Q. Okay. Other than this particular lawsuit**
8 **that brings us here today, do you have any other**
9 **lawsuits that are going on?**
10 A. No.
11 **Q. Okay. Prior to starting our deposition**
12 **today, other than any discussions that you've had**
13 **with your attorney, which I do not want to hear**
14 **about whatsoever, did you talk to anyone about the**
15 **fact that you are going to be doing this deposition**
16 **today?**
17 A. No.
18 **Q. Okay. Did you review anything, any**
19 **documents, before coming to do this deposition**
20 **today?**
21 A. No.
22 **Q. Okay. And relating to this incident that**
23 **we're here for today, have you kept any journals,**
24 **notes, diaries, anything that you've written about**

14

1 **the incident or about anything related to it?**
2 A. No.
3 **Q. Okay, all right. Ms. McCoy, can you give**
4 **me your full name, please?**
5 A. Yes, Ishynique Tamiyah McCoy.
6 **Q. Can you spell your middle name for me?**
7 A. T-A-M-I-Y-A-H.
8 **Q. And, Ms. McCoy, how old are you now?**
9 A. I'm 22 years old.
10 **Q. And have you ever been known by any other**
11 **names?**
12 A. No.
13 **Q. All right. Are you currently married or**
14 **single?**
15 A. Single.
16 **Q. Have you ever been married?**
17 A. No.
18 **Q. What is your birth date?**
19 A. 12/18/98.
20 **Q. And what is your current address?**
21 A. 731 Maple Lane.
22 **Q. And where is that located?**
23 A. Philadelphia, PA 19124.
24 **Q. How long have you lived there?**

15

1 A. Two months.
2 **Q. Do you live there with anyone?**
3 A. No.
4 **Q. Where did you live before 731 Maple Lane?**
5 A. 2012 West Oxford Street, Philadelphia, PA
6 19121.
7 **Q. Okay. And how long have you lived there or**
8 **did you live there rather?**
9 A. I've lived there since 2017.
10 **Q. And did you live there with anyone else?**
11 A. Siblings and parents.
12 **Q. And can you give me the names of your**
13 **siblings who live there with you?**
14 A. Yes. Shamiyah McCoy, Aniyah McCoy, Rhianna
15 McCoy, Sharifa McCoy, Malaya McCoy, Shamir McCoy,
16 that's all my siblings that lived there.
17 **Q. Okay. And the name of your parents who**
18 **lived there with you?**
19 A. Ateriyah McCoy and Shameek McCoy.
20 **Q. Okay. Do the six siblings and two parents**
21 **still live at this West Oxford location?**
22 A. Yes.
23 **Q. Okay. Is there anyone else that lives in**
24 **that location now?**

16

Pages 13 to 16

<p>1 A. No.</p> <p>2 Q. Okay. And of the siblings that you</p> <p>3 identified, are they all minors or is anyone 18 and</p> <p>4 above?</p> <p>5 A. One is 18 and older. The rest are all</p> <p>6 minors.</p> <p>7 Q. Okay. Who is the person who is 18 and</p> <p>8 above -- or above?</p> <p>9 A. Shamiyah McCoy.</p> <p>10 Q. Is that a brother or a sister?</p> <p>11 A. Sister.</p> <p>12 Q. Why did you move from the West Oxford</p> <p>13 Avenue location to your current address?</p> <p>14 A. I just wanted to get out of my mom's house.</p> <p>15 Q. Okay. Can you tell me how far you went in</p> <p>16 school?</p> <p>17 A. I received my high school diploma.</p> <p>18 Q. Okay. When did you receive your high</p> <p>19 school diploma?</p> <p>20 A. December 16, 2017.</p> <p>21 Q. Okay. And was that a high school diploma</p> <p>22 like after four years of high school or was that a</p> <p>23 GED?</p> <p>24 A. It was GED.</p> <p style="text-align: right;">17</p>	<p>1 A. Yes.</p> <p>2 Q. Where was that?</p> <p>3 A. I went to two schools before that. The</p> <p>4 first one was World Communications High School and</p> <p>5 the second one was Yes Philadelphia High.</p> <p>6 Q. Okay. And when did you leave World</p> <p>7 Communication High School?</p> <p>8 A. I'm not sure.</p> <p>9 Q. Okay. Do you remember what grade you were</p> <p>10 in?</p> <p>11 A. Ninth grade.</p> <p>12 Q. Okay. And then did you transfer to Yes</p> <p>13 Philadelphia High School immediately or was there a</p> <p>14 period of time that you were not at any school</p> <p>15 between World Communication and Yes Philadelphia?</p> <p>16 A. It was a small period of time when I wasn't</p> <p>17 in school before I went to Yes Philly.</p> <p>18 Q. Okay, thank you. Sorry I cut you off</p> <p>19 there.</p> <p>20 So when you went to Yes Philadelphia, did</p> <p>21 you essentially start in the 9th grade or did you go</p> <p>22 to the 10th grade?</p> <p>23 A. Yes Philly was the same as Connection</p> <p>24 Academy. It's for people who was behind on credits</p> <p style="text-align: right;">19</p>
<p>1 Q. Okay. Where did you go to high school?</p> <p>2 A. Connection Academy.</p> <p>3 Q. And when was -- what year was it that you</p> <p>4 were last in high school?</p> <p>5 A. 2017.</p> <p>6 Q. So did you leave Connection Academy in 2017</p> <p>7 and then later obtain your GED?</p> <p>8 A. No. I graduated Connection Academy in</p> <p>9 2017.</p> <p>10 Q. Okay. And is it that just Connection</p> <p>11 Academy, after you graduate, you receive a GED?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So you finished all four years at</p> <p>14 Connection Academy?</p> <p>15 A. It was a credit recovery type of school, so</p> <p>16 it wasn't years.</p> <p>17 Q. Okay. So can you explain to me what a</p> <p>18 credit recovery school is?</p> <p>19 A. Okay. So since I was behind on credits, it</p> <p>20 was basically a program that helps you graduate</p> <p>21 faster.</p> <p>22 Q. Sure. And so did you go to a high school</p> <p>23 program at like a different high school at any other</p> <p>24 time before Connection Academy?</p> <p style="text-align: right;">18</p>	<p>1 and it was a credit recovery school as well.</p> <p>2 Q. Okay. Did you go to any other high school</p> <p>3 or similar type of program, these credit recovery</p> <p>4 programs, other than what you've already told me</p> <p>5 about which is Connection Academy, World</p> <p>6 Communication High School and Yes Philly, any other?</p> <p>7 A. No.</p> <p>8 Q. Okay. Other than obtaining your GED, do</p> <p>9 you have any other specialized training?</p> <p>10 And let me explain to you what I mean about</p> <p>11 that. Some people have like an aesthetician</p> <p>12 certificate or like some kind of training they get</p> <p>13 after high school or after college.</p> <p>14 Do you have anything like that other than</p> <p>15 your GED?</p> <p>16 A. No.</p> <p>17 Q. Okay. Are you working towards anything</p> <p>18 like that currently?</p> <p>19 A. No.</p> <p>20 Q. Okay. And, Ms. McCoy, are you currently</p> <p>21 working?</p> <p>22 A. I'm self-employed.</p> <p>23 Q. Okay. And what do you do?</p> <p>24 A. I'm an eyelash tech.</p> <p style="text-align: right;">20</p>

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1 **Q. And so do you have your own business?**
 2 A. Yes.
 3 **Q. Okay. Is there a name for the business?**
 4 A. No.
 5 **Q. Okay. How long have you been self-employed**
 6 **as an eyelash tech?**
 7 A. Two weeks.
 8 **Q. Okay. Do you work out of like your house**
 9 **or do you work at like a retail space?**
 10 A. My apartment.
 11 **Q. So prior to the two weeks, were you**
 12 **working?**
 13 A. No.
 14 **Q. Okay. Have you ever held a job before**
 15 **becoming self-employed as an eyelash tech?**
 16 A. Yes.
 17 **Q. Okay. So what else did you do?**
 18 A. I was a home health care agent for Aveanna
 19 Healthcare. And before that, I was a cargo agent at
 20 Worldwide Flight.
 21 **Q. Okay. So when were you a home health care**
 22 **aide?**
 23 A. I'm not sure on specific dates, but my last
 24 day of home health care agent was March 2020.

21

1 **Q. Okay. Do you have any idea how long you**
 2 **did that for?**
 3 A. I started -- I started September 2020 --
 4 wait, I'm sorry. It was September -- I'm not -- it
 5 was September 2019.
 6 **Q. Okay. And what did you do as a home health**
 7 **aide?**
 8 A. I was providing food, taking my clients to
 9 their appointments, helping them back and forth to
 10 freshen up, changing sheets and stuff like that.
 11 **Q. Sure. And you said this is with Arianna**
 12 **Healthcare?**
 13 A. Aveanna.
 14 **Q. Aveanna, do you know where their office**
 15 **was?**
 16 A. I'm not sure on the specific address.
 17 **Q. Okay. And then so why did you stop doing**
 18 **that in March 2020?**
 19 A. Because of COVID-19.
 20 **Q. Okay. Were you laid off or did you just**
 21 **quit?**
 22 A. I was already on call and they weren't
 23 calling me anyway. But since COVID-19, I believe I
 24 was laid off since no one ever called me back, so.

22

1 **Q. Okay.**
 2 A. I just never went back.
 3 **Q. And then you said that at some point you**
 4 **were a cargo agent for Worldwide Flight. Did I get**
 5 **that correct?**
 6 A. Yes.
 7 **Q. Okay. What is a cargo agent?**
 8 A. Okay. A cargo agent is someone that signs
 9 off airway bills for drivers to pick up cargo and
 10 freight.
 11 **Q. And how long did you do that for?**
 12 A. I'm not sure specifically, but it was
 13 probably about a year.
 14 **Q. Okay. And was that before you were a home**
 15 **health care aide?**
 16 A. Yes.
 17 **Q. Okay. And was it after you had turned 18?**
 18 A. Yes.
 19 **Q. Okay. So that narrows it down a little**
 20 **bit.**
 21 **And so why did you leave that job?**
 22 A. Because I was working on getting my license
 23 at the time. And they switched me to second shift
 24 where I had got stuck in the middle of the night

23

1 because I missed the train.
 2 And I asked them can they put me back on
 3 first shift until I got a license. And they said
 4 no, so I quit.
 5 **Q. Okay. And when you say you were working on**
 6 **your license, you mean your driver's license, right?**
 7 A. Yes.
 8 **Q. Okay. Good, okay. So can you tell me the**
 9 **date of the accident that we're here for today?**
 10 A. I don't remember the specific day. I just
 11 remember the month.
 12 **Q. Okay. So if I tell you that based on your**
 13 **complaint you allege that on July 17, 2016 that this**
 14 **incident involving a cell phone occurred, can we --**
 15 **can we agree that your incident occurred or**
 16 **allegedly occurred on July 17, 2016?**
 17 A. Yes.
 18 **Q. Okay. And that's what we're here to talk**
 19 **about today?**
 20 A. Yes.
 21 **Q. Okay. So on July 17, 2016, how old were**
 22 **you?**
 23 A. One second.
 24 **Q. Sure.**

24

Pages 21 to 24

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<p>1 A. I believe I was 17 years old.</p> <p>2 Q. Okay. And at that time, at the time of the</p> <p>3 incident, were you in school? Were you enrolled in</p> <p>4 school anywhere?</p> <p>5 A. Yes.</p> <p>6 Q. And where were you enrolled?</p> <p>7 A. Yes Philadelphia High.</p> <p>8 Q. Okay. And Yes Philadelphia High, I know</p> <p>9 that you told me that was a credit recovery school.</p> <p>10 But was it the kind of school where you had</p> <p>11 to be there, you know, Monday through Friday from a</p> <p>12 particular time or did it operate on a totally</p> <p>13 different schedule?</p> <p>14 A. Yes. It was actually all year round,</p> <p>15 Monday through Friday.</p> <p>16 Q. Okay. And was it -- what was the time that</p> <p>17 you actually had to be in school?</p> <p>18 A. I believe it was 9:00 a.m. to 3:00 p.m.</p> <p>19 Q. And were you working at all, like a side</p> <p>20 job or a part-time job or anything, while you were</p> <p>21 at -- while you were at Yes Philly High School?</p> <p>22 A. No.</p> <p>23 Q. Okay. So at the time of this incident on</p> <p>24 July 17, 2016, did you have any standing medical</p> <p style="text-align: right;">25</p>	<p>1 A. A few years.</p> <p>2 Q. Okay. And so when you say a few years, do</p> <p>3 you -- were you going there before you turned 18?</p> <p>4 A. No.</p> <p>5 Q. Okay. So after you turned 18, you started</p> <p>6 going there; is that fair?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Before you were 18 years old, did</p> <p>9 you have a family doctor that you would go to?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And who was that?</p> <p>12 A. I'm not sure of the name.</p> <p>13 Q. Okay. Do you know where they were?</p> <p>14 A. I believe it was 55th and Woodland Avenue</p> <p>15 in Southwest Philadelphia.</p> <p>16 Q. Sure, thank you. And do you know the name</p> <p>17 or names of any of the doctors or practitioners that</p> <p>18 you would see there?</p> <p>19 A. No.</p> <p>20 Q. Okay. And that particular doctor or that</p> <p>21 office, was that an office that you'd been going to</p> <p>22 since you were a kid?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Were there any other doctors that,</p> <p style="text-align: right;">27</p>
<p>1 conditions?</p> <p>2 A. No.</p> <p>3 Q. Okay. Do you currently have any standing</p> <p>4 medical conditions, like chronic conditions like</p> <p>5 diabetes or heart disease, anything like that?</p> <p>6 A. Just stomach ulcer.</p> <p>7 Q. Okay. And how long have you had that for?</p> <p>8 A. A few years.</p> <p>9 Q. Okay. And is that something that you like</p> <p>10 have a doctor that you treat with regularly for?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What kind of doctor is it?</p> <p>13 A. It's a doctor at my local clinic.</p> <p>14 Q. And the local clinic that you go to, do you</p> <p>15 go to that local clinic for like primary care, as</p> <p>16 well?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And what is the name of the local</p> <p>19 clinic or doctor that you see there?</p> <p>20 A. Stephen Klein Wellness Center.</p> <p>21 Q. Where is Stephen Klein Wellness Center?</p> <p>22 Where is it?</p> <p>23 A. It's located on 21st and Cecil B. Moore.</p> <p>24 Q. And how long have you been going there?</p> <p style="text-align: right;">26</p>	<p>1 you know, you had been going to since you were a kid</p> <p>2 whether or not you continued to see them?</p> <p>3 A. No, just that one.</p> <p>4 Q. Great, thank you. And I -- looking at you</p> <p>5 now, you're not wearing eyeglasses. But do you need</p> <p>6 eyeglasses?</p> <p>7 A. No.</p> <p>8 Q. Okay. Do you wear contacts?</p> <p>9 A. No.</p> <p>10 Q. Is your vision impaired in any way?</p> <p>11 A. No.</p> <p>12 Q. Okay. And we talked about your driver's</p> <p>13 license a couple minutes ago.</p> <p>14 Do you have a driver's license now?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. On your driver's license, is there</p> <p>17 any type of restriction, like for your eyes?</p> <p>18 Like my driver's license, I need corrective</p> <p>19 lenses. Do you have a corrective lens restriction</p> <p>20 on your driver's license?</p> <p>21 A. No.</p> <p>22 Q. Okay, all right. So let's talk about the</p> <p>23 day of July 17, 2016; okay?</p> <p>24 I'm just -- I'm going to ask you what</p> <p style="text-align: right;">28</p>

Pages 25 to 28

<p>1 happened. You can tell me and then I'll ask you 2 some more questions to break it down. 3 On July 17, 2016, can you tell me what 4 happened that gives rise to this lawsuit that you 5 have filed? 6 A. Yes. Okay. So that morning, I woke up. I 7 laid in bed for a few minutes. And my sister came 8 in the room. I asked her if I could use her phone 9 and she let me use it. And then she walked out the 10 room. 11 It was like a brand-new phone by the way. 12 She walked out the room and I used her phone to 13 check my Facebook. 14 And when I sat up, the next thing you know, 15 I heard like a loud -- like a loud boom, like a 16 gunshot sound. 17 And she came running back up and we noticed 18 that the bed was on fire. So we -- we started 19 grabbing like stuff that we saw nearby and we were 20 trying to put like the fire out on the bed. 21 We threw the -- we threw some stuff out the 22 window that was on fire. And then my cousin, they 23 came in the room. 24 We told her to just get everybody out the</p> <p style="text-align: right;">29</p>	<p>1 Q. Okay. And which sister is that? 2 A. Shamiyah McCoy. 3 Q. Okay. And she still lives at the Oxford 4 Street location now, right? 5 A. Yes. 6 Q. Okay. And so when you -- when you asked 7 her if you could borrow her phone -- what kind of 8 phone does she have? 9 A. She had an iPhone 5SE. 10 Q. Okay. And did you have a phone? 11 A. Yes. 12 Q. What kind of phone did you have? 13 A. I had an iPhone 6 Plus. 14 Q. Okay. Where was your phone? 15 A. My phone was on the bed. 16 Q. Okay. Did you -- had you fallen asleep 17 with your phone? Was your phone in your bed while 18 you were sleeping? 19 A. Yes. My phone was on the bed while I was 20 sleeping. 21 Q. Okay. Was it plugged in? 22 A. The only thing that was plugged into it was 23 earphones. 24 Q. Okay. Was your phone -- was your iPhone 6</p> <p style="text-align: right;">31</p>
<p>1 house. We then proceeded to check all the rooms and 2 made our way outside. And then they were telling me 3 that my butt was on fire. 4 So then we kind of like patted the fire 5 out. I had one of my sisters go to the park to get 6 my dad. Then we called my grandmom and then we 7 called my mom. And it went from there. 8 Q. Okay, sounds good. Let me just finish my 9 notes and then I'll ask you some follow-up 10 questions. 11 All right. So that morning when you woke 12 up, what time did you wake up? 13 A. It was about 10:00 or 11:00. 14 Q. Okay. And were you -- did you wake up like 15 in your own room? 16 Like did you share a room with someone else 17 or was it just your room? 18 A. I shared the room with my sister, but I 19 woke up alone. 20 Q. Okay. And the room that you shared with 21 your sister, is that sister the same sister who came 22 in and you asked if she -- if you could borrow her 23 phone? Is it the same sister? 24 A. Yes.</p> <p style="text-align: right;">30</p>	<p>1 Plus on? 2 A. Yes. 3 Q. Okay. Had it been -- well, let me ask you 4 this. 5 What time did you go to bed the night 6 before? 7 A. I'm not sure on the exact time, but it was 8 kind of late. Because we had a family reunion the 9 day before. 10 Q. Okay. Would you say that you went to bed 11 before or after midnight? 12 A. After midnight. 13 Q. Okay. So when you went to bed after 14 midnight, was your phone on at that time? 15 A. Yes. 16 Q. Okay. Did you happen to notice how much 17 charge in the battery was left when you went to bed 18 the night before? 19 A. No. 20 Q. Okay. Were you using your phone when you 21 went to sleep? 22 For example, were you listening to music? 23 Was it on and then you fell asleep with the earbuds 24 in your ears, anything like that the night before?</p> <p style="text-align: right;">32</p>

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1 A. The night before, I was actually on the
2 phone.
3 **Q. So you were -- you were using the phone to**
4 **make a phone call the night before?**
5 A. Yes. Someone called me the night before.
6 **Q. Okay. Did you fall asleep during the call**
7 **or did the call end and then you went to sleep?**
8 A. I ended the call and then I went to sleep.
9 **Q. Do you remember turning off your phone at**
10 **any time before you went to bed?**
11 A. No.
12 **Q. Okay. But when you woke up in the morning,**
13 **the phone was still on?**
14 A. Yes.
15 **Q. Okay. When you woke up the next morning,**
16 **did you notice at that point what the charge in the**
17 **battery was?**
18 A. Could you repeat that?
19 **Q. Sure. So when you woke up the next**
20 **morning, did you at any point even look at your**
21 **iPhone, your iPhone 6 Plus, when you woke up in the**
22 **morning?**
23 A. Oh, yes. I actually like glanced at it and
24 saw that I had a bunch of missed calls. But then I

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1 put it back down because I was actually avoiding the
2 person.
3 **Q. And so when you glanced at it, did you**
4 **happen to notice like how much power was left like**
5 **in the little battery picture?**
6 A. No.
7 **Q. Okay. And after you glanced at it, did you**
8 **do anything with your phone?**
9 A. No. I just looked at the missed calls and
10 just put it right back down.
11 **Q. Okay. And did you put it right back down**
12 **on your bed?**
13 A. Yes.
14 **Q. Okay. And was it on top of bedding? Did**
15 **it go underneath your blanket? Where did you put**
16 **it?**
17 A. It was on top of the sheets.
18 **Q. Okay. This particular iPhone 6 Plus, when**
19 **did you get it?**
20 A. I'm not sure the exact timing, but I do
21 believe it was like March.
22 **Q. Okay. So you believe that you had had that**
23 **phone from about March of 2016?**
24 A. Yes.

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1 **Q. Okay. So in -- from March 2016 until July**
2 **17, 2016, were you the only person to use that**
3 **phone?**
4 A. Yes.
5 **Q. Okay. When you got that phone in March**
6 **2016, did you purchase it?**
7 A. My mom and my aunt purchased it.
8 **Q. Okay. And what is your aunt's name?**
9 A. Nikita Williams.
10 **Q. Nikita?**
11 A. Yes.
12 **Q. Where does Ms. Williams live?**
13 A. 848 North Brooklyn Street, Philadelphia,
14 PA, I'm not sure of the ZIP code.
15 **Q. That's fine, thank you. So when you say**
16 **that your mom and your aunt bought it, do you know**
17 **where they bought the phone, how they came to**
18 **actually get the phone?**
19 A. Okay. So since my previous phone before
20 that was stolen, my mom reported it to the insurance
21 company I believe and they sent out a new phone.
22 **Q. Okay. What kind of phone was your phone**
23 **that was stolen?**
24 A. It was an iPhone 6 Plus, as well.

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1 **Q. Okay. And was it stolen sometime in March**
2 **2016?**
3 A. I believe it was stolen in February.
4 **Q. Okay. So was there some period of time**
5 **that you maybe didn't have a phone between when**
6 **you -- your phone was stolen and when this new phone**
7 **came?**
8 A. Yes, probably about a few weeks.
9 **Q. So with the iPhone 6 Plus that was stolen,**
10 **did you -- where did you get that phone?**
11 A. T-Mobile.
12 **Q. Okay. And did you actually get that like**
13 **at a T-Mobile store?**
14 A. I'm not sure. My mom got it. But usually,
15 she'll get the phones from T-Mobile.
16 **Q. Okay. So -- and I understand you were**
17 **under 18 at the time.**
18 **So when your mom gave you the iPhone 6**
19 **Plus, the one that was stolen, were you there when**
20 **she purchased that one?**
21 A. No.
22 **Q. Okay. Do you remember how long you had**
23 **that iPhone 6 Plus before it was stolen?**
24 A. No.

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Pages 33 to 36

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1 **Q.** All right. Do you know if it was more than
2 a year?
3 A. I'm not sure.
4 **Q.** Sure. So that iPhone 6 Plus that was
5 stolen, did you have any problems with it when you
6 did have it?
7 A. No.
8 **Q.** Okay. Was it -- was that iPhone 6 Plus,
9 the one that was stolen, ever repaired or sent in
10 for repair?
11 A. No.
12 **Q.** Okay. And before the stolen iPhone 6 Plus,
13 before that phone, did you have a cell phone?
14 A. Yes.
15 **Q.** Okay. How long -- what kind of phone was
16 that?
17 A. An iPhone 6.
18 **Q.** All right. Do you remember how long you
19 had that one?
20 A. I'm not sure.
21 **Q.** Okay. Do you have any idea where that one
22 came from, whether that came from a T-Mobile store
23 or any other source or you just don't know?
24 A. Oh, that one I had purchased from a friend,

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1 the 6.
2 **Q.** And that iPhone 6, did you have any
3 problems with that phone?
4 A. Not technical problems, just that it was
5 locked but I had paid and got it unlocked.
6 **Q.** So what was the reason for replacing the
7 iPhone 6 with the iPhone 6 Plus that was eventually
8 stolen?
9 A. I wanted a bigger phone.
10 **Q.** Okay. So the stolen iPhone 6 Plus, was
11 that on your mom's T-Mobile plan or was that on
12 someone else's T-Mobile plan?
13 A. I'm not sure.
14 **Q.** Okay. But it was not your T-Mobile plan,
15 correct?
16 A. No.
17 **Q.** Okay. Do you know if it was your mom or
18 your aunt who actually made a claim for the lost
19 phone?
20 A. I'm not sure if it was my mom's account or
21 my aunt's account. But if it was my aunt's account,
22 she probably would have made the claim or if my mom
23 asked her to. I'm not sure.
24 **Q.** Okay. So eventually, you did get a

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1 replacement phone, right?
2 A. Yes.
3 **Q.** Okay. And that was an iPhone 6 Plus,
4 correct?
5 A. Yes.
6 **Q.** Okay. And is that the iPhone 6 Plus that
7 basically gives rise to this lawsuit that you allege
8 was involved in a fire incident?
9 A. Yes.
10 **Q.** Okay. So that iPhone 6 Plus, was it mailed
11 to you directly? How did you receive it?
12 A. I received it through mail.
13 **Q.** Okay. So do you remember who it came from,
14 like who the return address was?
15 A. I'm not sure. In the email that you sign,
16 I believe it was T-Mobile. Because it was like an
17 e-document that my mom had to sign.
18 **Q.** Okay. And it was an e-document that you
19 had to sign before you got the replacement phone?
20 A. Yes.
21 **Q.** Okay. Do you still have access to that
22 email?
23 A. No. It wasn't my email. I'm not sure.
24 **Q.** Okay. Was that -- do you know if that was

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1 an email that your mom got?
2 A. I'm not a hundred percent, but it may have
3 been an email that my mom got or my aunt.
4 **Q.** Okay. So somebody, your mom or your aunt,
5 signed an e-document. And after signing the
6 e-document, a phone was mailed to the Oxford Street
7 location; is that fair?
8 A. It wasn't mailed to Oxford Street location.
9 **Q.** Okay. Where was it mailed to?
10 A. 2046 Turner Street, Philadelphia, PA
11 19121.
12 **Q.** Why was it mailed there?
13 A. That was our address at the time.
14 **Q.** Okay. So you were living at 2046 Turner
15 Street at that time?
16 A. Yes.
17 **Q.** Okay. And were all of -- was it just you
18 or who else was living there?
19 A. Everyone that lives in the Oxford Street
20 location, lived at that one, too.
21 **Q.** Okay. And why the difference in address
22 for that period of time?
23 A. I'm not sure I heard you correctly. Could
24 you repeat that?

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Pages 37 to 40

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1 **Q. Sure. That was a bad question. Why did**
 2 **you guys move from the Oxford Street location to the**
 3 **2046 Turner Street location?**
 4 A. Okay. I'm not sure.
 5 **Q. Okay. How long did you live at the Turner**
 6 **Street location for?**
 7 A. A few years.
 8 **Q. Okay. And eventually -- well, let me make**
 9 **sure I have this clear.**
 10 **So all of your siblings and your parents**
 11 **moved from the Oxford Street location to the Turner**
 12 **Street location and lived there for a few years?**
 13 A. From the Turner Street location to the
 14 Oxford location.
 15 **Q. Okay. Wait, let me just go back. So this**
 16 **incident occurred at what address?**
 17 A. 2046 Turner Street.
 18 **Q. Okay. Okay. So at the time of the**
 19 **incident, you were living at 2046 Turner Street?**
 20 A. Yes.
 21 **Q. Okay. And before that, you were living at**
 22 **the Oxford Street location, right?**
 23 A. No. Oxford Street came after Turner
 24 Street. That's where I just moved from to Maple

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1 Lane.
 2 **Q. Okay. That's -- that's fine. And so --**
 3 **okay.**
 4 **So then in 2017, your family moved to**
 5 **Oxford Street, right?**
 6 A. Yes.
 7 **Q. Okay. That was my mistake, my apologies.**
 8 **So the phone was mailed to 2046 Turner Street. Was**
 9 **it addressed to you?**
 10 A. I'm not sure.
 11 **Q. Okay. Were you home when it was delivered?**
 12 A. Yes.
 13 **Q. Okay. Did it come in a box?**
 14 A. Yes.
 15 **Q. What did the box look like?**
 16 A. It was just like a brown box from UPS.
 17 Like it was a box and then it was like a box inside
 18 of it with like the Apple --
 19 The Apple phone box, a charger. I believe
 20 it was like some Apple stickers in there. It was
 21 either -- the box was either brown or black. I'm
 22 really not sure.
 23 **Q. Sure. So it came in like a brown box and**
 24 **it was delivered by like UPS or FedEx or something**

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1 **like that; is that fair?**
 2 A. Yes.
 3 **Q. And that brown box, that paper board -- or**
 4 **cardboard box on the outside, was that sealed?**
 5 A. Yes.
 6 **Q. Okay. So it wasn't opened or like**
 7 **obviously tampered with when you received it; is**
 8 **that fair?**
 9 A. Yes.
 10 **Q. Okay. So once you -- did you -- were you**
 11 **the person who opened up the box?**
 12 A. Yes.
 13 **Q. Okay. And when you opened up the box,**
 14 **inside was another box and you're saying that was**
 15 **like an Apple box?**
 16 A. It was like a box and then it had like the
 17 phone inside of it and like a charger and stuff
 18 inside that box.
 19 **Q. Okay. Can you -- do you remember what that**
 20 **interior box looked like, the one that had the phone**
 21 **and the charger in it? Like what color was it? How**
 22 **big was it?**
 23 A. Okay. It was a small box. It was white.
 24 It was like one of those boxes that you lift the top

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1 off, yeah. It wasn't too big. It was almost the
 2 same size as the phone.
 3 **Q. Okay. Was that inside box, that white box,**
 4 **was that sealed?**
 5 A. No.
 6 **Q. Okay. Was it just closed?**
 7 A. Yes.
 8 **Q. Okay. Were there any stickers or anything**
 9 **on the box to try to close the box?**
 10 A. No, not the white box.
 11 **Q. Okay. And so when you got this phone, did**
 12 **you -- did you then open the white box and take out**
 13 **what was inside?**
 14 A. Yes.
 15 **Q. Okay. And inside the small white box, you**
 16 **told me that there was a charger, a phone and maybe**
 17 **some stickers, right?**
 18 A. Yes.
 19 **Q. Okay. Were there any manuals,**
 20 **instructions, papers or anything in there that would**
 21 **direct you to a manual or instruction?**
 22 A. I'm not sure.
 23 **Q. Okay. And the phone itself, can you**
 24 **describe for me what it looked like when you unboxed**

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Pages 41 to 44

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1 it?

2 A. It was -- I believe it was a gray phone and

3 it had like plastic around it. It was like -- it

4 was an iPhone 6 Plus.

5 Yeah. I believe it was like plastic on the

6 top of it and that was it. It wasn't too much.

7 **Q. Okay. And when you say there was plastic**

8 **on top of it, do you mean like that film or like**

9 **very thin plastic that's like over the phone screen**

10 **that wraps the phone? Is that what you mean or do**

11 **you mean something else?**

12 A. It was like the type of plastic that you

13 pull off of a phone when it's brand-new.

14 **Q. Okay. So it was like a little sticky and**

15 **you -- like there's like a little tab and you pull**

16 **it off the screen.**

17 **Is that the type of plastic that you were**

18 **referring to?**

19 A. Yes.

20 **Q. Okay. And was there that type of plastic**

21 **or film on the phone screen itself when you unboxed**

22 **the phone?**

23 A. Yes.

24 **Q. Okay. Were there any stickers or any other**

45

1 **type of signs that were on the plastic or on the**

2 **phone itself when you unboxed it?**

3 A. It was plastic on the charger. It was like

4 some type of plastic on the charger. Like it was a

5 brand-new charger. And it was also the plastic on

6 the back of the phone, too.

7 **Q. Okay. What did you do when you finally**

8 **unboxed this phone? Did you set it up?**

9 A. Yes.

10 **Q. How did you do that?**

11 A. Usually, I will just create like an iCloud

12 and just verify the stuff at the beginning.

13 **Q. Okay. Did you charge the phone?**

14 A. I'm not sure.

15 **Q. Okay. Do you remember if you were able to**

16 **turn on the phone when you pulled it out of the box**

17 **like automatically?**

18 A. Yes. The phone came on with like half a

19 battery.

20 **Q. Okay. Was there anything on the phone --**

21 **well, when you got the phone, was there anything on**

22 **the phone that told you what its condition was,**

23 **whether it was new, used or anything like that?**

24 A. No.

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1 **Q. Okay. Did the phone power on without any**

2 **issues?**

3 A. No issues.

4 **Q. Okay. So from March of 2016 through July**

5 **17, 2016, did you have any issues with this phone?**

6 A. No.

7 **Q. Okay. Did you -- during that time period**

8 **when you had this phone, what was your phone number?**

9 A. I'm not sure.

10 **Q. Okay. Do you have a phone now?**

11 A. Yes.

12 **Q. Do you have the same phone number?**

13 A. No.

14 **Q. Okay. What kind of phone do you have now?**

15 A. iPhone 11.

16 **Q. Okay. So during the time from March 2016**

17 **until July 2016, did you -- did you ever get the**

18 **phone repaired for any reason?**

19 A. No. I've never had a phone repaired

20 before.

21 **Q. Okay. Did you get that phone, this iPhone**

22 **6 Plus, did you ever --**

23 **Was it modified in any way, like the actual**

24 **phone?**

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1 **I'm not talking about the apps on the**

2 **phone. But the actual physical phone, was it**

3 **modified in any way?**

4 A. I'm not sure what you mean.

5 **Q. Okay. So did you change the phone in any**

6 **way for the time period that you had it?**

7 **And I'm not talking about apps on the**

8 **phone, like the, you know, stuff that's actually on**

9 **the phone, but the physical phone itself?**

10 A. I've never changed anything on the phone,

11 but I would like to ask if I could use the bathroom

12 really fast. I've had a lot of water.

13 **Q. Yes. That's fine. Let's just take a**

14 **five-minute break.**

15 A. Okay. Thank you.

16 MR. ROTHERMEL: Thank you.

17 VIDEOGRAPHER: The time is 11:45

18 a.m. We are going off the video record.

19 (At this time, a short break was

20 taken.)

21 VIDEOGRAPHER: The time is 11:54

22 a.m. We are now back on the video record.

23 BY MS. TO:

24 **Q. Great. Ms. McCoy, we just took a very**

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Pages 45 to 48

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1 brief break and now we are back on. Are you ready
2 to get started again?

3 A. Yes.

4 Q. Great, thank you. So the -- before we went
5 on the break, we were talking about the iPhone that
6 was the replacement for a stolen iPhone.

7 The stolen iPhone, did that have a charger
8 associated with it?

9 A. Yes.

10 Q. Okay. Was that an Apple -- like was that a
11 charger that was an Apple charger or was it some
12 other kind of charger?

13 A. It was an Apple charger.

14 Q. Okay. And that was kind of a bad question,
15 so let me phrase it differently.

16 I know that lots of different types of
17 chargers can charge many different types of phones.

18 But the charger that you used for -- to
19 charge the stolen iPhone 6, was that an original
20 charger that came with that Apple iPhone or was it
21 some other type of manufacturer charger that could
22 charge an Apple iPhone?

23 A. It was an Apple iPhone that came with the
24 phone.

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1 Q. Okay. So what I said earlier is incorrect.

2 When you had your replacement phone, you had one
3 charger?

4 A. Yes. I had one charger.

5 Q. Okay. During the time that you had the
6 replacement phone from March until July of when this
7 incident occurred, did you ever charge your iPhone 6
8 Plus on any charger other than the one that came
9 with the replacement phone?

10 A. No.

11 Q. Okay. How often would you charge your
12 phone?

13 A. Okay. So I would normally just charge it
14 overnight and then just go about my day. Because I
15 was still in school.

16 Q. Okay. Did you ever have the battery on
17 your replacement phone replaced or looked at during
18 the time that you had it from March until about July
19 2016?

20 A. No.

21 Q. Okay. Did you notice anything unusual
22 about the performance of your replacement phone from
23 the time that you got it in March of 2016 until July
24 17, 2016?

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1 Q. It was an Apple charger that came with the
2 phone?

3 A. Oh, yeah, sorry. It was an Apple charger
4 that came with the phone. Because I always check my
5 chargers. It says like Apple California somewhere
6 really small on the charger and I always check for
7 that on it.

8 Q. Okay. And so the charger for your stolen
9 iPhone 6 Plus, that was an Apple charger, as well?

10 A. Yes.

11 Q. Okay. And so when you got your new iPhone,
12 or rather your replacement iPhone 6 Plus, is it fair
13 to say that at that point you then had two Apple
14 chargers?

15 A. Yes.

16 Q. Okay. And the charger that came with the
17 stolen iPhone 6 Plus, did you use that charger to
18 charge the replacement phone?

19 A. No. Because when my phone was stolen, it
20 was stolen off the charger and with the charger.

21 Q. Okay. So by the time you got your
22 replacement phone, you no longer had your old
23 charger?

24 A. Yes.

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1 A. No.

2 Q. Okay. Did it work, function, in a way that
3 was basically like the iPhone 6 Plus that was
4 stolen?

5 A. Could you repeat that?

6 Q. Sure. So this replacement iPhone 6 Plus,
7 okay, for the time period that you had it, from, you
8 know, March 2016 to July 17, 2016, did it basically
9 behave and work in the same way like your iPhone 6
10 Plus that was stolen?

11 A. Yes. It was the same.

12 Q. Was it in any way -- other than the fact
13 that it was a different phone, did it in any way
14 behave differently or seem to you different in
15 function from the iPhone 6 Plus that had been
16 stolen?

17 A. No.

18 Q. Okay. At any point during your ownership
19 that you had an iPhone 6 Plus, so that's including
20 the one that was stolen and the one that we're here
21 to talk about today, right, at any point, did you
22 ever read an instruction manual for the use of this
23 iPhone 6 Plus?

24 A. No.

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1 **Q.** Okay. Okay. So the night before the
 2 morning of the incident, you told me earlier that
 3 the iPhone 6 Plus it was just in your bed that
 4 morning, right? Because you had fallen asleep and
 5 the phone was just in your bed, right?
 6 A. Yes.
 7 **Q.** Okay. Was that typical? Like did that
 8 happen a lot where you would be using it at night
 9 and then it would just -- you would just leave it in
 10 your bed and it would be there when you wake up?
 11 A. Yes.
 12 **Q.** Okay. And did it have a case of any kind?
 13 A. No.
 14 **Q.** Okay. Did it ever have a case?
 15 A. Yes.
 16 **Q.** Okay. And do you understand what I mean
 17 when I say like a phone case?
 18 A. Yes.
 19 **Q.** Okay. So when did the iPhone -- the
 20 replacement iPhone 6 Plus have a case on it?
 21 A. I would usually just like have different
 22 cases while I'm in school, stuff like that.
 23 **Q.** Okay.
 24 A. I would just -- for the colors and stuff.

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1 **Q.** I'm sorry. Say that again.
 2 A. I said sometimes I would just switch cases
 3 up for the colors and stuff.
 4 **Q.** Okay. At the time of this incident, July
 5 17, 2016, did the phone have a case?
 6 A. No.
 7 **Q.** Okay. So the night before the morning of
 8 the incident, was the phone acting weird in any way?
 9 A. No.
 10 **Q.** Okay. When you woke up and glanced at it
 11 and you saw that you had a number of missed calls,
 12 was the phone acting weird or different in any way?
 13 A. No.
 14 **Q.** Okay. How long would you say -- how much
 15 time passed between when you got up and glanced at
 16 your phone and when you heard the -- the loud sound?
 17 A. I would say from the time I got up, the
 18 first thing I do usually is check my phone. So I
 19 probably was up for about like two minutes and then
 20 I looked at my phone.
 21 I saw a bunch of missed calls from the
 22 person, and I just put it right back down because I
 23 didn't want to talk to that person.
 24 **Q.** Okay. And then how much time from that

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1 point when you put the phone back down to when you
 2 heard the loud noise?
 3 A. I would say a minute or two.
 4 **Q.** Okay. That replacement phone, has it --
 5 had it ever gotten wet?
 6 A. No.
 7 **Q.** Why did you ask to use your sister's phone
 8 instead of using your phone?
 9 A. To check my Facebook, and plus, she had a
 10 new phone, so.
 11 **Q.** And did you not have Facebook on your
 12 replacement iPhone 6 Plus?
 13 A. I did.
 14 **Q.** So why didn't you use it on yours?
 15 A. I just wanted to use her phone. Like she
 16 had just got it the day before and it was new. So I
 17 just asked her can I use her phone.
 18 **Q.** Okay. And where was -- was your sister's
 19 phone in the same room as you when you asked her if
 20 you could use it?
 21 A. Yes.
 22 **Q.** Okay. What kind of phone is it?
 23 A. It was an iPhone 5SE.
 24 **Q.** So at this point when you asked your sister

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1 if you could use her phone, were you standing,
 2 sitting? Where were you?
 3 A. I was sitting on the bed.
 4 **Q.** And how far away would you say your iPhone
 5 6 Plus was relative to where you were sitting?
 6 A. It was like -- it was like -- I'm not
 7 really sure on like measurements, but it was pretty
 8 like -- it was close by.
 9 **Q.** Okay. Now if you reached out, like reached
 10 your hand out, was it close enough that you could
 11 grab it without moving off of the spot that you were
 12 sitting?
 13 A. Yes.
 14 **Q.** Okay. And how tall are you?
 15 A. 5'5".
 16 **Q.** And so when your sister said you could use
 17 her phone, did you just sit there and basically use
 18 her phone for Facebook?
 19 A. Yes. I was like doing different stuff. I
 20 was like kind of taking pictures and on Facebook at
 21 the same time.
 22 **Q.** Were you taking selfies?
 23 A. Yes.
 24 **Q.** Okay. And so how long were you playing

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1 with your sister's phone before you heard the loud
2 sound?
3 A. Probably about a minute or two.
4 Q. Okay. And so when you heard the loud
5 sound, where did the sound come from?
6 A. It just was in the room. It was just like
7 a really loud sound.
8 Q. Okay. Can you describe to me what the
9 sound sounded like?
10 A. It was like -- it was like --
11 (At this time, the court reporter
12 lost connection.)
13 THE WITNESS: -- a loud boom like
14 as if a gun went off, like a gunshot.
15 BY MS. TO:
16 Q. Okay. And what happened after you hear the
17 sound?
18 A. My sister ran back up the steps and we
19 noticed that the bed was on fire.
20 Q. Okay. And where were you -- well, did you
21 do anything after you heard the loud sound?
22 A. After I heard the loud sound, I pretty much
23 just stood up from off the bed.
24 Q. Okay. Were you holding anything?

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1 A. Just my sister's phone.
2 Q. Okay. What were you wearing at that time?
3 A. I had on some black shorts and a t-shirt.
4 Q. Okay. And where was your phone when you
5 heard the loud sound?
6 A. On the bed.
7 Q. Okay. Did you actually see it on the bed
8 when you heard the loud sound?
9 A. Not until I noticed there was a fire.
10 Q. Okay. So after you heard the loud sound,
11 you got up and you were holding your sister's phone,
12 correct?
13 A. Yes.
14 Q. Okay. Did you move away from the bed?
15 A. I stood up in front of the bed. I didn't
16 notice that it came from the bed.
17 Q. What came from the bed?
18 A. The loud sound.
19 Q. Okay. So you heard a loud sound, but
20 you -- at that time you didn't know one way or the
21 other where the sound came from; is that fair?
22 A. Yes.
23 Q. Okay. So at some point did you look at
24 your bed after you stood up and faced the bed?

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1 A. Yes.
2 Q. And what did you see?
3 A. The bed on fire.
4 Q. Okay. Now, what kind of bed was it? Was
5 it a twin bed? Was it a full-sized? How big was
6 the bed?
7 A. I'm not sure.
8 Q. Okay. Can you describe what the bed looked
9 like? Is it a wood bed? Is it a metal bed?
10 A. It was like a box spring with a mattress
11 and like a railing under it, like framing under it.
12 Q. Okay. And there was bedding on it you
13 said?
14 A. Yes.
15 Q. Okay. So your bedding, how many pillows do
16 you have on your bed?
17 A. I don't sleep with pillows.
18 Q. Okay. Did you have blankets?
19 A. Yes. I had one blanket and one sheet.
20 Q. Okay. So when you looked at the bed being
21 on fire, was the fire in -- where was the fire on
22 the bed?
23 A. The fire was on the plastic and also the
24 phone.

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1 Q. Where was there plastic on the bed?
2 A. The bed was wrapped in plastic. It was
3 pretty much new.
4 Q. Okay. So the mattress was wrapped in
5 plastic?
6 A. Yes.
7 Q. Okay. Was there a between -- so when you
8 slept on it the night before, was there a sheet,
9 like a fabric sheet, that you slept on between the
10 plastic-wrapped mattress and your body?
11 A. Yes.
12 Q. Okay. Was it a fitted sheet or was it like
13 a flat sheet? Do you know the difference?
14 A. Yes. It was a fitted sheet.
15 Q. Okay.
16 COURT REPORTER: Hello, sorry to
17 interrupt, but I was kicked off for a
18 while.
19 MS. TO: Oh, I'm sorry. That's
20 no good. Where were you when --
21 COURT REPORTER: Do you want to
22 go off the record to figure it out, or?
23 MS. TO: What was the last
24 question you had?

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<p>1 COURT REPORTER: The last 2 question I have is can you describe to me 3 what the sound sounded like, so I'm sure 4 that was a while ago. 5 MR. ROTHERMEL: Wow, that's -- 6 MS. TO: Okay. 7 COURT REPORTER: I don't -- 8 VIDEOGRAPHER: I can give you a 9 copy of my audio afterwards if that will 10 help. 11 COURT REPORTER: That's exactly 12 what I was going to say. 13 VIDEOGRAPHER: Okay. 14 COURT REPORTER: But -- 15 MS. TO: Is that okay with 16 everybody? 17 MR. PECCI: Yes. It's fine with 18 me. 19 COURT REPORTER: It does say that 20 my bandwidth is low, so I'm not sure if 21 that's going to happen again. 22 MS. TO: Okay. Could you -- 23 VIDEOGRAPHER: I'll keep a closer 24 eye on it.</p> <p style="text-align: right;">61</p>	<p>1 kicked off? 2 COURT REPORTER: Yes. 3 BY MS. TO: 4 Q. Okay. Ms. McCoy, so when you saw the fire 5 and you said the plastic and the phone was on fire, 6 the plastic wrap on the mattress, that was on all of 7 the mattress, correct? 8 A. Yes. 9 Q. Okay. And so was -- where was the fire on 10 the bed? Was it in multiple spots or was it in one 11 spot? 12 A. It was in one spot, but it was kind of like 13 spreading like formed as a circle kind of. 14 Q. Okay. And you said the phone was on fire? 15 A. Yes. 16 Q. Okay. Did -- what happened after you saw 17 that the -- that the phone and the -- there was a 18 circle area or an area on the bed that was on fire? 19 What did you do next? 20 A. Me and my sister, we grabbed some clothes 21 and we were just like beating the fire out of the 22 bed. 23 Q. Okay. And at this point when you first -- 24 when you saw that the plastic on the bed and the</p> <p style="text-align: right;">63</p>
<p>1 COURT REPORTER: Okay. Thank 2 you. 3 MS. TO: Thank you. 4 COURT REPORTER: Sorry about 5 that. 6 MS. TO: Zoom depositions, right? 7 COURT REPORTER: Yeah. 8 MR. ROTHERMEL: Can the audio 9 recording be sent to all of us, too? 10 COURT REPORTER: I'm sorry? 11 MR. ROTHERMEL: Can the audio 12 recording that's going to be sent to the 13 court reporter, can that be sent to each of 14 the parties, as well? 15 VIDEOGRAPHER: I was going to ask 16 about that at the end of the deposition, if 17 you guys wanted copies of the video. 18 MR. ROTHERMEL: Sure. 19 VIDEOGRAPHER: Okay. 20 MR. ROTHERMEL: I do. 21 MS. TO: Okay. Are we ready? 22 MS. FOREMAN: Just to be clear, 23 the court reporter will then transcribe 24 this portion that -- during which she was</p> <p style="text-align: right;">62</p>	<p>1 phone was on fire, you were not sitting on the bed, 2 right? 3 A. I was sitting on the bed while it was on 4 fire, but I didn't notice until after. 5 Q. Okay. And when you say after, what do you 6 mean by that? 7 A. Okay. So after we attempted to put the 8 fire out, we went in rooms to make sure everyone was 9 out. 10 And then we went outside and that's when 11 I -- well, they noticed that my butt was on fire 12 still. 13 Q. Okay. So when your sister ran upstairs, 14 how long did it take her to get upstairs? 15 A. Seconds. 16 Q. Okay. And then you and her started to try 17 to put the fire out by putting other clothes on it? 18 A. Yes. 19 Q. Okay. Were you successful? 20 A. I believe so. 21 Q. Okay. So you and your sister, by putting 22 clothes onto the bed, were able to put out the fire? 23 A. Yes. We kind of like beat the fire with 24 the clothes.</p> <p style="text-align: right;">64</p>

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1 **Q. Okay. By beating the fire with the**
 2 **clothes, you were able to put it out?**
 3 A. Yes.
 4 **Q. Okay. And was your sister standing next to**
 5 **you when you guys were beating this fire with the**
 6 **clothes?**
 7 A. Yes.
 8 **Q. Okay. And how long did it take, in beating**
 9 **the fire with clothes, did it take to actually put**
 10 **out the fire?**
 11 A. I'm not sure how long, but it didn't take
 12 too long.
 13 **Q. Okay. How big was that room?**
 14 A. It's like a mid-sized room.
 15 **Q. Okay. Are you able to approximate for me**
 16 **like an actual measurement?**
 17 A. No.
 18 **Q. Okay. For this time that the fire was**
 19 **actually going, did the fire ever get beyond the**
 20 **bed?**
 21 A. No.
 22 **Q. Okay. So the fire stayed on the bed,**
 23 **right?**
 24 A. Yes.

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1 **Q. Okay. Did the fire -- how big did -- was**
 2 **the fire at its largest point on the bed? Like what**
 3 **size did it take up?**
 4 A. It was like -- it took up like the end of
 5 the -- the end of the bed kind of towards like the
 6 middle.
 7 **Q. Other than -- so what did the fire burn?**
 8 **Did it destroy anything?**
 9 A. It destroyed the bedding, the clothes, the
 10 phone and my butt.
 11 **Q. Okay. So in terms of the bedding, are you**
 12 **referring to like the sheets and the blanket?**
 13 A. Yes, and the mattress.
 14 **Q. Okay. And the clothes, you mean the**
 15 **clothes that you put on the fire to put it out,**
 16 **right?**
 17 A. Yes.
 18 **Q. Okay. And then the phone, the iPhone 6**
 19 **Plus, right?**
 20 A. Yes.
 21 **Q. Okay. And then at some point you had**
 22 **mentioned that you had threw something out the**
 23 **window. What was that?**
 24 A. The sheet with the phone on it.

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1 **Q. Okay. And you threw that out the window.**
 2 **When did you do that?**
 3 A. Right after we put the fire out.
 4 **Q. Is this room on an upper floor?**
 5 A. On the third floor.
 6 **Q. Okay. And when -- did you throw it out or**
 7 **did your sister throw the sheet and phone out the**
 8 **window?**
 9 A. I threw it out.
 10 **Q. Okay. When you threw it outside, was there**
 11 **still -- or as you were throwing it outside --**
 12 **actually, never mind.**
 13 **And then after you threw the sheet and the**
 14 **phone outside, then what did you do?**
 15 A. We both were just running through all of
 16 the rooms together, starting from the third floor
 17 going down, just to make sure that my cousin had got
 18 everybody out.
 19 And then we had -- went to the backyard
 20 where we had threw the phone out the window.
 21 **Q. Okay. So why did you run through the house**
 22 **trying to get everybody out?**
 23 A. Because it was multiple children there and
 24 we wasn't sure if the fire was even all the way out.

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1 **Q. Okay. Before you left your room, was there**
 2 **any -- before you left your room to go and sort of**
 3 **usher all the kids out of the house, was there**
 4 **anything that was still on fire that you could see?**
 5 A. No.
 6 **Q. Okay. And when you and your sister were**
 7 **going around the house to get, you know, people and**
 8 **to get them out of the house, how long did that**
 9 **process take?**
 10 A. Probably about a minute.
 11 **Q. How many floors does this house have?**
 12 A. Three.
 13 **Q. How many rooms?**
 14 A. Five.
 15 **Q. Okay. And so when you got everybody, you**
 16 **guys left the house and went to the backyard?**
 17 A. Could you say that again, please?
 18 **Q. Sure. Once you got everybody, you guys all**
 19 **went to the -- you exited the home and went to the**
 20 **backyard?**
 21 A. Yes. Me and my sister did. Everyone else
 22 was already outside of the front of the house.
 23 **Q. Were you the last person to exit the house?**
 24 A. Yes.

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Pages 65 to 68

1 **Q. Okay. Other than the fire that was in your**
 2 **room, was there any other -- anything else on fire**
 3 **in the home?**
 4 A. No.
 5 **Q. Okay. Are there extinguishers, fire**
 6 **extinguishers, inside the house?**
 7 A. No.
 8 **Q. Okay. Are there smoke detectors in the**
 9 **house?**
 10 A. Yes.
 11 **Q. Was there a smoke detector in your room?**
 12 A. Yes.
 13 **Q. Did that go off?**
 14 A. Yes. All -- all of the smoke detectors
 15 throughout the house went off.
 16 **Q. Are the smoke detectors the kind that they**
 17 **just go off in your house or are they the kind that**
 18 **are connected to the fire department and the fire**
 19 **department comes out?**
 20 A. They're just connected to our house.
 21 **Q. Okay. Do you have sprinklers in your**
 22 **house?**
 23 A. Sprinklers?
 24 **Q. Like sprinklers like inside the house that**

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1 **turn on when there's a fire?**
 2 A. No.
 3 **Q. Okay. So once you got out of the house,**
 4 **then what did you do?**
 5 A. Once we got out of the house, my dad had
 6 just arrived and he called the fire -- I believe it
 7 was the -- I'm not sure if it was firefighters or
 8 ambulance, but one of those trucks came.
 9 **Q. Okay. And did a fire truck eventually**
 10 **respond?**
 11 A. Yes. I'm not sure if it was the
 12 firefighters or the ambulance. But whoever it was,
 13 they did respond.
 14 **Q. Okay. Well, do you remember if a fire**
 15 **truck showed up?**
 16 A. No. I don't remember.
 17 **Q. Okay. Did you leave the like area of your**
 18 **house after the incident?**
 19 **Like did you go somewhere else or did you,**
 20 **you know, stand outside of the house?**
 21 A. I stayed outside of the house. Yes. I
 22 stayed outside of the house until they arrived, yes.
 23 **Q. Okay. Well, when you say they, who is**
 24 **they, who arrived?**

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1 A. The ambulance, because they took me to the
 2 hospital.
 3 **Q. All right. So did police show up at all?**
 4 A. No. No police were called.
 5 **Q. Okay. When -- do you know who -- well, the**
 6 **ambulance that showed up, do you know if that**
 7 **ambulance showed up responsive to your dad calling**
 8 **for help?**
 9 A. Yes.
 10 **Q. Okay. And when the ambulance showed up,**
 11 **were there medics who came out to talk to you?**
 12 A. Yes.
 13 **Q. Okay. And what did they ask you? What did**
 14 **you guys talk about?**
 15 A. I believe they asked me -- they were asking
 16 me about the burn that was on my butt and like how
 17 did the fire happen. And I told them that my phone
 18 had blew up.
 19 **Q. Okay. And the ambulance that came, was**
 20 **that a Philadelphia County ambulance or was that**
 21 **like a private ambulance?**
 22 A. It was Philadelphia.
 23 **Q. Okay. And so then they transported you,**
 24 **right?**

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1 A. Yes.
 2 **Q. Okay. Where did they take you?**
 3 A. Hahnemann Hospital.
 4 **Q. Hahnemann?**
 5 A. Yes.
 6 **Q. Okay. Did you ask to go there or did they**
 7 **just take you there?**
 8 A. I didn't ask. But my mom was with us, so
 9 maybe she asked them to take us there.
 10 **Q. Okay. And so that was going to be my next**
 11 **question.**
 12 **Did somebody go with you in the ambulance?**
 13 A. Yes, my mom.
 14 **Q. Okay. And when you got to the hospital,**
 15 **what did they do for you?**
 16 A. They treated my burn.
 17 **Q. Okay. And where was the burn located?**
 18 A. On my butt.
 19 **Q. Okay. Which side of your body?**
 20 A. The left side.
 21 **Q. Okay.**
 22 MS. TO: And, Frank, I'm not
 23 going to ask your client to look at her
 24 burn, clearly, on Zoom. But can I request

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<p>1 that she please, or through you, send 2 supplemental photographs of what the area 3 looks like now? 4 MR. ROTHERMEL: Yeah. Didn't I 5 send photographs? I sent photographs I 6 thought you had. 7 MS. TO: I have photographs, but 8 they're not dated. So I would request that 9 we get updated photographs. 10 Because I'm not going to ask her 11 to show me, you know, whatever the area 12 looks like now on video. I'm not sure that 13 would be appropriate. 14 MR. ROTHERMEL: Yeah, sure. We 15 had -- we had -- you know, we had a 16 photographer come in, took photographs and 17 then we had provided those to you which -- 18 I'm trying to think if that was -- it was 19 before COVID, so I think it was probably 20 2019. But if you want to ask her -- 21 MS. TO: Okay. Well -- 22 MR. ROTHERMEL: -- if it looks 23 any different now than it was, if you want 24 to -- you know, you can ask her if she</p> <p style="text-align: right;">73</p>	<p>1 A. Yes. 2 Q. Okay. And that ER visit, do you know if 3 that was paid for from insurance? 4 A. I'm not sure. 5 Q. Okay. And after that ER visit, did you 6 have any other follow-up medical visits for that 7 burn? 8 A. Yes. 9 Q. Okay. And when was that? 10 A. It was probably a few days later. 11 Q. And who was that with? 12 A. The clinic I told you about on Woodland, 13 I'm not sure of the name. 14 Q. Okay. And that was the family doctor that 15 you'd been seeing since you were a kid? 16 A. Yes. 17 Q. Okay. And did you just go to see like a 18 family doctor or did you go see like a burn 19 specialist? 20 A. A family doctor. 21 Q. Okay. And so did you go to your family 22 doctor because the ER told you you should follow up 23 or was there something that caused you to go? 24 A. I went for both reasons.</p> <p style="text-align: right;">75</p>
<p>1 thinks -- 2 MS. TO: Okay. I mean I can ask 3 her, but -- and I guess we'll deal with 4 that but, you know. 5 BY MS. TO: 6 Q. So, Ms. McCoy, what did they do for you to 7 treat the burn? 8 A. They cleaned it, put like a burn cream and 9 wrapped it up for me. 10 Q. Okay. And were you admitted to the 11 hospital or were you basically just seen in the 12 emergency room? 13 A. I was seen in the emergency room. 14 Q. Okay. Did you get any stitches or 15 anything? 16 A. No. 17 Q. Okay. And other than the burn, did you 18 sustain any other injuries from this incident? 19 A. No. 20 Q. Okay. And how long were you at the ER? 21 A. Probably about an hour. 22 Q. Okay. And so after they cleaned the burn 23 and put some burn cream on it, wrapped it up, they 24 sent you home?</p> <p style="text-align: right;">74</p>	<p>1 Q. Okay. So what was the reason that caused 2 you to go? 3 A. It was just like hurting a lot. Like the 4 cream would sometimes just not like stop the pain. 5 It just was like for the burn. 6 Q. Okay. And so then when you went to your 7 family doctor, the Woodland Ave office, what did 8 they do for you? 9 A. They just gave me like some instructions on 10 what to do and stuff like that. And they also told 11 me to take my creams and wrap it up and all the 12 stuff that the hospital was telling me to do. 13 Q. Okay. So -- and I'm sorry. You may have 14 told me this, but I missed it. 15 How long after you went to the ER did you 16 go to the Woodland Ave doctor? 17 A. A few days. 18 Q. A few days, okay. So during those few days 19 when you were at home, were you doing anything 20 special with the burn? 21 A. I was just doing what I was told to do. 22 Q. Okay. And what were you told to do, do you 23 remember? 24 A. Yeah. I was told to keep it clean, put the</p> <p style="text-align: right;">76</p>

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1 creams on and try to keep it wrapped up.
 2 **Q. Okay. So did you have to change the**
 3 **bandage?**
 4 A. Yes.
 5 **Q. Okay. And you did that, right?**
 6 A. Yes.
 7 **Q. Okay. And so then you went to your primary**
 8 **care doctor and they basically told you to just keep**
 9 **doing that?**
 10 A. Yes.
 11 **Q. Okay. Did they give you any other**
 12 **medications or anything, any other instruction?**
 13 A. They gave me just more burn creams and
 14 bandages.
 15 **Q. Okay. Did they tell you to follow up with**
 16 **anybody else?**
 17 A. No.
 18 **Q. Okay. Did you follow up with anybody else?**
 19 A. I believe just with them.
 20 **Q. Okay. Do you remember when it was that you**
 21 **ended up following up with them?**
 22 A. No.
 23 **Q. All right. Do you remember why you ended**
 24 **up following up with them?**

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1 A. Just because of the pain and stuff or like
 2 if I needed refills of more cream and bandages and
 3 stuff like that.
 4 **Q. Okay. Did you ever go to any type of burn**
 5 **specialist, a plastic surgeon, anything like that?**
 6 A. No.
 7 **Q. Okay. So how long would you say the burn**
 8 **continued to bother you after July 17, 2016?**
 9 A. I would say about like six months or so.
 10 **Q. Okay. Would you say that after six months**
 11 **that it didn't hurt anymore?**
 12 A. No. It was still hurting, but it was just
 13 like -- it just took like that period of time to
 14 stop like -- like if I was to change the bandage, it
 15 would like stick to me and stuff like that, yeah, so
 16 that stuff kind of stopped.
 17 **Q. Okay. So is it fair to say that it took**
 18 **about six months for the skin to heal?**
 19 A. It wasn't necessarily healed. It was just
 20 like -- it was just like -- I would say like -- it
 21 just took for like the bandages to stop, you know,
 22 like ripping like more skin off and stuff like that
 23 when I changed it. Sometimes when I changed the
 24 bandage, it would like be stuck to like the inside

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1 of my skin.
 2 **Q. Okay. So let me ask you this way. Today**
 3 **is July 19, 2021; okay?**
 4 **As we sit here today, do you consider the**
 5 **area on the left side of your butt to be healed?**
 6 A. Yes.
 7 **Q. Okay. So at what point would you say, and**
 8 **I know you gave me six months before as the time**
 9 **when you changed bandages and, you know, the**
 10 **bandages stopped ripping skin off, but you tell me**
 11 **at what point -- how much time passed was it when**
 12 **you first felt like this burn is healed?**
 13 A. I'm not sure on the exact timing, but it
 14 did take a long time.
 15 **Q. Okay. Would you say that it -- a year**
 16 **after, so July 17, 2017? Would you say that at that**
 17 **point it had healed?**
 18 A. Probably longer, because that would make it
 19 the year after in the summertime and I still wasn't
 20 healed in the summertime completely.
 21 Because I still couldn't like sit on it
 22 or -- and it would still hurt and stuff like that.
 23 I couldn't participate in a lot of activities that
 24 summer. So, no, it wasn't healed.

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1 **Q. Okay. So when you first -- when the**
 2 **incident first happened and you had pain in that**
 3 **area of -- on the left side of your butt, on a scale**
 4 **of, you know, one being almost nothing, ten being**
 5 **absolutely the worst pain you've ever felt, so in**
 6 **the days right after the incident, how would you**
 7 **rate your pain?**
 8 A. Days after, I would rate it a ten. It was
 9 like really sore and it was like really tight
 10 feeling. And it still was like a burning, tingly
 11 feeling. So like it was really like bad.
 12 **Q. Okay. At some point, did that -- did that**
 13 **pain lessen? Like did it come down from the ten?**
 14 A. Yes, at some point.
 15 **Q. Okay. So at some point, did it come down**
 16 **to a number that you felt like, oh, this is a real**
 17 **difference, like this is a lot less? Did that ever**
 18 **happen?**
 19 A. Yes.
 20 **Q. Okay. Do you remember when that was that**
 21 **it came down appreciably to a place where you're**
 22 **just like, oh, well, this -- this is a lot better?**
 23 A. I would probably say -- I would probably
 24 say in about a year and a half or so, something like

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Pages 77 to 80

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1 that.

2 **Q. Okay. So at a year and a half on that one**

3 **to ten scale, what was it like?**

4 A. It was probably like a five because I still

5 couldn't sit without having pain.

6 **Q. Okay. When you first -- when you first had**

7 **the burn and you were like changing bandages and**

8 **stuff, there was probably a little bit of like**

9 **weeping and oozing, right? Yes?**

10 A. Yes.

11 **Q. Okay. When did that stop?**

12 A. I'm not sure.

13 **Q. Okay. By a year and a half, had -- was the**

14 **burn itself like weeping or oozing at all?**

15 A. After like a year and a half, it was

16 starting to heal. It was kind of like closing.

17 **Q. Was it kind of closing in that it was still**

18 **weeping and there was moisture coming out of there**

19 **or was it dry?**

20 A. I'm not sure. Yeah. I'm not sure.

21 **Q. Okay. As we sit here today, though, the**

22 **area of the burn is dry, correct?**

23 A. Yes.

24 **Q. Okay. When did you have to stop -- when**

81

1 **did you stop bandaging it?**

2 A. I stopped bandaging it after it closed up.

3 **Q. And when was that?**

4 A. Probably about a year and a half after the

5 incident.

6 **Q. Okay.**

7 A. I'm not too sure.

8 **Q. Okay. Well, I mean if giving me numbers or**

9 **years is hard, you can do it based on how old you**

10 **were.**

11 **Do you remember how old you were when you**

12 **stopped bandaging it?**

13 A. I'm not even sure on that part neither.

14 **Q. Okay. So other than the ER and two visits**

15 **to your primary care doctor, have you ever gotten**

16 **any other follow-up care for the burn?**

17 A. No.

18 **Q. Okay. And I know we talked about the ER**

19 **and whether or not that was paid for by insurance.**

20 **Do you know if the two primary care visits**

21 **were paid by insurance?**

22 A. I'm sure they were.

23 **Q. Okay. And to your knowledge, do you know**

24 **if there's any outstanding billing?**

82

1 **Like do you owe anybody money for any of**

2 **these visits, these three visits?**

3 A. No.

4 **Q. Okay. And are you alleging that you have**

5 **any other injuries other than this burn related to**

6 **the July 17, 2016 incident?**

7 A. I don't have any other injuries.

8 **Q. Okay. And are there any things that**

9 **you're -- you couldn't do or were limited in doing**

10 **as a result of the burn? Yeah.**

11 A. Yeah. I couldn't participate -- first, I

12 couldn't take showers. I couldn't take baths. I

13 couldn't go swimming.

14 I couldn't like get on rides or anything if

15 we was to go like have family trips because I

16 couldn't sit.

17 And, yeah, I really had to hold off for

18 like a long time with doing anything.

19 **Q. Okay. Did you miss any school as a result**

20 **of this incident?**

21 A. Not really, no, I was still going to

22 school. I just would stand up instead of sitting

23 down.

24 **Q. Anything else other than what you told me**

83

1 **about, that you couldn't swim, that you couldn't**

2 **take baths, you couldn't take showers, you couldn't**

3 **get on rides?**

4 **Is there anything else that you need me to**

5 **know, the things that you either couldn't do or are**

6 **limited in doing?**

7 A. Yeah. It was like I could barely sleep

8 neither. It was just very uncomfortable.

9 And I just basically had to miss out and

10 just stay in the house for a lot of stuff or just

11 watch everybody do everything because of me sitting

12 or me even getting in a car. It was hard to get in

13 a car, as well, so.

14 **Q. Okay. Did you have to pay anyone any money**

15 **to take care of you after the incident relating to**

16 **your injuries?**

17 A. No. My siblings or my mom would help out.

18 **Q. Okay. And when could you start taking**

19 **showers again?**

20 A. I'm not sure, but it was -- like I would

21 just like wash off without even getting in the

22 shower for a long time because --

23 **Q. How long was that, do you remember?**

24 A. I'm not really sure on how long.

84

Pages 81 to 84

1 **Q. Okay. And as we sit here today, is there**
 2 **anything that still bothers you about the injury?**
 3 A. Yes.
 4 **Q. Okay. And what is that?**
 5 A. Wait, I'm sorry. Did you say bothered me
 6 like the injury itself or the situation?
 7 **Q. Well, the injury.**
 8 A. No. The burn, it doesn't bother me to this
 9 day, no. The only thing that bothers me is like the
 10 image of it, but that's it.
 11 **Q. Okay. And when you say the image of it,**
 12 **what do you mean?**
 13 A. I mean like how nasty it looks and like how
 14 it looks in general.
 15 **Q. Okay. Is there a scar?**
 16 A. Yes.
 17 **Q. Okay. How big is the scar?**
 18 MR. ROTHERMEL: It's big. We
 19 sent photos.
 20 THE WITNESS: Yeah. It's pretty
 21 big. I'm not really too accurate on like
 22 measurements and stuff.
 23 MS. TO: Okay. Hold on one
 24 second. Okay. Is -- and I know that your

85

1 attorney sent photos, but the photos sort
 2 of exist outside of context.
 3 So, Frank, can you -- Frank, do
 4 you have in front of you the photos that
 5 you provided December 9, 2019?
 6 There were, let me see, one, two,
 7 three, four, five, six, seven, eight, nine,
 8 ten, eleven, twelve, thirteen, fourteen, it
 9 was like thirty-seven pages in the entire
 10 production. Do you have that in front of
 11 you, Frank?
 12 MR. ROTHERMEL: I did. I mean I
 13 have them on my server. I don't have them
 14 on my iPad.
 15 MS. TO: Okay. Can we go off the
 16 record for one second, please?
 17 VIDEOGRAPHER: The time is 12:45
 18 p.m. We are going off the video record.
 19 (At this time, a discussion was
 20 held off the record.)
 21 VIDEOGRAPHER: The time is 12:47
 22 p.m. We are now back on the video record.
 23 BY MS. TO:
 24 **Q. Thank you. Ms. McCoy, I am hopefully**

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1 showing you -- sharing my screen with you, or
 2 sharing actually Ms. Foreman's screen with you, that
 3 has some photographs that were distributed by
 4 your -- your attorney. Do you see photographs on
 5 your screen?
 6 A. Yes.
 7 **Q. Okay. So right now on your screen -- and**
 8 **I'm just going --**
 9 MS. TO: I'm going to mark the
 10 entire stack as McCoy-1 just because I'm
 11 not sure how to extract them separately.
 12 (At this time, photographs were
 13 marked for identification as Exhibit No.
 14 McCoy-1.)
 15 BY MS. TO:
 16 **Q. So I'm showing you IshyniqueMcCoy.zip and**
 17 **it says 2.jpg. There's a photograph on the screen.**
 18 **Do you see that?**
 19 A. Yes.
 20 **Q. Okay. And what does this picture show?**
 21 A. That shows the scar and that's what it
 22 looks like today.
 23 **Q. Okay. And so this is the scar that is**
 24 **on -- on your body as a result of the incident,**

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1 correct?
 2 A. Yes.
 3 **Q. Okay. Let me just move on to the next page**
 4 **if I can do that, my goodness, hold on.**
 5 **Okay. And then the next page is**
 6 **IshyniqueMcCoy.zip, 3.JPG. Is this also just**
 7 **another view of the scar and this is what it looks**
 8 **like now?**
 9 A. Yes.
 10 **Q. Okay. Okay. This one looks almost**
 11 **identical. Let me move on to the next one if I can.**
 12 **Okay. And then this is page 31 of McCoy-1.**
 13 **This IshyniqueMcCoy.zip, 7.JPG, is this another view**
 14 **of the scar and this is what it looks like now?**
 15 **This is I guess a view from -- taking the**
 16 **picture from the back?**
 17 A. Yes.
 18 **Q. Okay. Okay. And looking on page 34 of**
 19 **McCoy-1, what does this picture show?**
 20 A. That shows the scarring when it first
 21 happened.
 22 **Q. Okay. Do you know who took this**
 23 **photograph?**
 24 A. I'm not sure.

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1 **Q. Okay. But this photograph depicts right**
 2 **after the incident occurred, correct?**
 3 A. Yes.
 4 **Q. Okay. And this is not what your scar looks**
 5 **like today?**
 6 A. No.
 7 **Q. Okay. I'm trying to make this smaller.**
 8 MR. ROTHERMEL: Control minus
 9 might work.
 10 MS. TO: I'm sorry?
 11 MR. ROTHERMEL: Control minus.
 12 MS. TO: Okay. I think I took
 13 the pictures off the screen which is fine.
 14 I'm done with them.
 15 BY MS. TO:
 16 **Q. Ms. McCoy, did you ever give -- and again,**
 17 **I don't want to hear about anything that you've**
 18 **talked about with your attorney.**
 19 **Did you ever give a statement to anyone**
 20 **about this incident?**
 21 A. I've told like people that my phone blew
 22 up, but I never told anyone nothing about a lawsuit
 23 or anything, no.
 24 **Q. Okay. So after the phone was thrown out**

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1 **the window, was the phone ultimately recovered?**
 2 **Like did you go get it?**
 3 A. I don't think so. I think the ambulance --
 4 I'm not sure who got the phone.
 5 **Q. Okay. Did you ever take a look at the**
 6 **phone after the incident?**
 7 A. Yes.
 8 **Q. Okay. When was that?**
 9 A. When we got out the house and went to the
 10 backyard.
 11 **Q. And what did you see?**
 12 A. I saw like -- I saw like -- it was like
 13 smoke in the sheet. It was kind of like wrapped in
 14 the sheet, but I did see like it was like burnt
 15 earphones.
 16 **Q. Okay. And fair to say the phone was not**
 17 **usable after that, right?**
 18 A. No.
 19 **Q. Okay. And did you do anything with the**
 20 **phone after you saw it on the ground?**
 21 A. No.
 22 **Q. Okay. Do you -- do you know who, if it was**
 23 **not you, ultimately recovered the phone?**
 24 A. No.

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1 **Q. Okay. Did you ever bring your phone to**
 2 **your attorney?**
 3 A. I believe -- yeah, me and my mom.
 4 **Q. Okay. Do you know when you did that?**
 5 A. I'm not sure.
 6 **Q. Okay. Do you know -- before you brought it**
 7 **to your attorney, did anyone try to figure out what**
 8 **happened with the phone?**
 9 A. I'm not sure.
 10 **Q. Okay. After the incident, did anyone ever**
 11 **take the phone apart?**
 12 A. No. Not that I know of, no.
 13 **Q. Do you know where the phone was stored**
 14 **before it went to your attorney?**
 15 A. No.
 16 **Q. Okay. So at the very beginning of my**
 17 **questions for you, I told you that my client was**
 18 **Asurion.**
 19 **Do you know who they are? Have you ever**
 20 **heard of their name? Have you ever heard of**
 21 **Asurion?**
 22 A. No.
 23 **Q. Okay. Do you have any intention of getting**
 24 **any treatment, any other treatment, for your**

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1 **injuries whatsoever?**
 2 A. I've looked into it. But I'm not
 3 comfortable with even letting anyone touch it or do
 4 any work on it. I've just accepted the fact that
 5 it's there and it's not going away.
 6 **Q. Okay. And now when you say you've looked**
 7 **into it, what have you looked into?**
 8 A. I've just looked into like how I could get
 9 rid of it. But from what I've seen, it could be
 10 painful or result into another healing process or --
 11 and stuff like that, so.
 12 **Q. Okay. Well, when you say you've looked**
 13 **into getting rid of it, have you had any type of**
 14 **medical consults or like seen anybody about doing**
 15 **whatever it is to get rid of it?**
 16 A. No. I just did like research online and
 17 stuff like that.
 18 **Q. Okay. Okay.**
 19 MS. TO: I am going to look
 20 through my notes, but some of the other
 21 attorneys might have a few questions for
 22 you. But thank you so much again for your
 23 patience.
 24 THE WITNESS: You're welcome.

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Pages 89 to 92

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1 BY MS. FOREMAN:
 2 **Q. Hi, my name is Melanie Foreman.**
 3 A. Hi.
 4 **Q. Hi. As I mentioned at the very beginning**
 5 **of the deposition, I represent third-party**
 6 **defendant, ATC Logistics and Electronics, Inc.**
 7 **Now, before I get into asking you some**
 8 **questions, do you need a break?**
 9 A. No. I'm fine.
 10 **Q. Okay. And Ms. To gave you a lot of**
 11 **instructions at the very beginning of the**
 12 **deposition.**
 13 **Those instructions still apply, including**
 14 **that if you do end up needing a break while I'm**
 15 **asking you questions, please just let me know and**
 16 **we'll go off the record and take a few minutes.**
 17 A. All right.
 18 **Q. And it looks like you are in your**
 19 **attorney's office; is that correct?**
 20 A. Yes.
 21 **Q. And is it just you and Mr. Rothermel in the**
 22 **room that you are in?**
 23 A. Yes.
 24 **Q. Thank you.**

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1 MS. FOREMAN: Thanks, Frank. For
 2 the record, Frank scanned the room to show
 3 me there was no one else. Thank you.
 4 BY MS. FOREMAN:
 5 **Q. Now, I'm going to jump around a little bit**
 6 **because Ms. To did a good job asking you a lot of**
 7 **questions. So it might seem like I am jumping**
 8 **around because I don't want to ask you the same**
 9 **questions that you've already been asked.**
 10 A. All right.
 11 **Q. You were telling us about a doctor that you**
 12 **saw on Woodland Avenue.**
 13 **Was that one of the Philadelphia public**
 14 **health clinics?**
 15 A. Yes.
 16 **Q. Did you take any photographs of the**
 17 **mattress after this incident?**
 18 A. No.
 19 **Q. Did you end up getting rid of the mattress?**
 20 A. I believe so, yes.
 21 **Q. Do you know when you got rid of the**
 22 **mattress?**
 23 A. I'm not sure.
 24 **Q. Did you continue to use it for a period of**

94

1 **time?**
 2 A. No.
 3 **Q. Did you take any photographs of the**
 4 **headphones that were plugged into your phone at the**
 5 **time of the incident?**
 6 A. No. I didn't, no.
 7 **Q. Did anybody else?**
 8 A. I'm not really sure. Yeah. I'm not really
 9 sure. I don't think so.
 10 **Q. Do you still have those earphones?**
 11 A. No.
 12 **Q. Did you throw them away?**
 13 MR. ROTHERMEL: They were
 14 provided in the non-destructive testing and
 15 also at the destructive testing. So you'll
 16 see their images. It was part of what we
 17 provided.
 18 MS. FOREMAN: So did you get rid
 19 of the headphones?
 20 MR. ROTHERMEL: No. They're --
 21 MS. FOREMAN: I'm asking your
 22 client.
 23 THE WITNESS: The earphones are
 24 still attached to the phone wherever the

95

1 phone is.
 2 MR. ROTHERMEL: And I had
 3 provided the phone pursuant to the protocol
 4 for the non-destructive testing and then it
 5 was out of my control and then it was --
 6 and it just underwent the destructive
 7 testing.
 8 MS. FOREMAN: Thanks.
 9 MR. ROTHERMEL: And I believe
 10 that they were at least watching it. They
 11 had -- it was still a test.
 12 BY MS. FOREMAN:
 13 **Q. Did you take a photograph of the bundle as**
 14 **it existed in your backyard after you threw it out?**
 15 A. No.
 16 **Q. Do you know if anybody else took a photo of**
 17 **that?**
 18 A. I'm not sure.
 19 **Q. You said that you had a cousin at your**
 20 **house at the time of the incident.**
 21 **What was your cousin's name?**
 22 A. Tyshirah Martin.
 23 **Q. Can you spell her first name?**
 24 A. T-Y-S-H-I-R-A-H.

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Pages 93 to 96

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1 **Q. And last name, Martin, M-A-R-T-I-N?**
 2 A. Yes.
 3 **Q. How old was she at the time of the**
 4 **incident?**
 5 A. She was probably 15.
 6 **Q. Do you know where she lives now?**
 7 A. Yes, 848 North Brooklyn Street.
 8 **Q. Did she live with your Aunt Nikita?**
 9 A. Yes.
 10 **Q. Is she Nikita's daughter?**
 11 A. Yes.
 12 **Q. Where was Tyshirah when the incident**
 13 **happened?**
 14 A. She was in another room. But once the loud
 15 noise came throughout the house, that's when like
 16 she like ran up to the --
 17 **Q. And your sister whose phone you were using,**
 18 **was that Shymira?**
 19 A. Yes, Shamiyah.
 20 **Q. Shamiyah, was Shamiyah in the room at the**
 21 **time of the incident?**
 22 A. She came right after the loud noise.
 23 **Q. Since -- you said that at the time of the**
 24 **incident you were going to Yes Philadelphia High?**

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1 A. Yes.
 2 **Q. And so even though it was the summer, you**
 3 **were still going to school?**
 4 A. Yes.
 5 **Q. How would you get to school?**
 6 A. Sometimes I would walk and sometimes I
 7 would catch like SEPTA or sometimes I would get a
 8 ride from my mom.
 9 **Q. Did you ever take a school bus?**
 10 A. No.
 11 **Q. After this incident, how would you get to**
 12 **school?**
 13 A. I walked.
 14 **Q. Do you know what kind of health insurance**
 15 **you current -- you had at the time of the accident?**
 16 A. I'm not sure. But if I did have insurance,
 17 it would be Keystone First.
 18 **Q. Do you currently have health insurance?**
 19 A. Yes, Keystone First.
 20 **Q. Do you have your Keystone First card with**
 21 **you?**
 22 A. I could check.
 23 **Q. Okay. Well, we can check a little later,**
 24 **but I'll be asking your counsel for that**

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1 **information.**
 2 A. Okay.
 3 **Q. Thank you. Do you know if you submitted**
 4 **any bills to Keystone First?**
 5 A. No.
 6 **Q. You don't know?**
 7 A. No.
 8 **Q. If you needed to go to a doctor today for a**
 9 **primary care visit, where would you go?**
 10 A. Stephen Klein Wellness Center.
 11 **Q. And at the time of the incident, was**
 12 **your -- was the iPhone 6 Plus plugged into the**
 13 **charger?**
 14 A. No.
 15 **Q. Immediately before the incident, I believe**
 16 **you said you were sitting on your bed; is that**
 17 **correct?**
 18 A. Yes.
 19 **Q. Where was the phone in relation to your**
 20 **body?**
 21 **For instance, was it to the left of you?**
 22 **Was it behind you? Was it in front of you?**
 23 A. It was to the left close by like on the
 24 side of me kind of.

99

1 **Q. Were you sitting on the bed or were you**
 2 **lying down on the bed?**
 3 A. I was sitting on the bed.
 4 **Q. Were your legs off to the side of the bed?**
 5 A. My legs was hanging off the bed.
 6 **Q. Between the time of the incident occurring**
 7 **and someone telling you that your butt was on fire,**
 8 **did you feel anything on your left butt -- buttocks?**
 9 A. No, not until after.
 10 **Q. Until after what?**
 11 A. Until after I noticed it was there and we
 12 put it out and then that's when I started to feel
 13 like the burning and stuff. But I didn't feel
 14 anything at the time.
 15 **Q. So you didn't feel it before you got**
 16 **outside; is that correct?**
 17 A. No.
 18 **Q. That's correct?**
 19 A. Yes, that's correct.
 20 **Q. What kind of things would you use the**
 21 **iPhone 6 Plus for?**
 22 A. Just talking, texting, Facebook, pictures
 23 and stuff like that.
 24 **Q. Would you use it for music?**

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Pages 97 to 100

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1 A. Oh, yeah, music, too.
 2 **Q. Browsing the internet?**
 3 A. Yep.
 4 **Q. Would you use like the GPS, like the maps**
 5 **function?**
 6 A. Yes.
 7 **Q. Between the time you got the phone and the**
 8 **time of the incident, had you dropped it?**
 9 A. No.
 10 **Q. Can you -- you said earlier that you**
 11 **usually charged the phone at night; is that correct?**
 12 A. Yes.
 13 **Q. Would you charge it any other times, as**
 14 **well?**
 15 A. Usually, like just -- I'll make sure I do
 16 it for sure on school nights. But since it was like
 17 a weekend and someone like that I was talking to was
 18 like getting on my nerves really bad, I just didn't
 19 care to charge it at all or even be on it.
 20 **Q. When you noticed that your -- that there**
 21 **was something wrong with your left buttocks, what**
 22 **did you do?**
 23 A. I called my mom.
 24 **Q. On the phone?**

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1 A. Yes. Not the phone that blew up, on my
 2 sister's phone.
 3 **Q. Did somebody put -- like was -- were your**
 4 **clothes on fire?**
 5 A. My clothes wasn't on fire because the
 6 shorts were like kind of small. So it was really
 7 just my butt was on fire and like my sisters had
 8 like -- just was like hitting it and it was just
 9 out.
 10 **Q. So which sister hit it?**
 11 A. Shamiyah, and I'm not sure who else did it,
 12 but it was more than one person.
 13 **Q. Did they hit it with their hands or with**
 14 **something else?**
 15 A. Their hands.
 16 **Q. Did they get burned?**
 17 A. No.
 18 **Q. Did you end up taking your shorts off?**
 19 A. I just pulled it up and stuff because --
 20 yeah. I had pulled it up because someone took a
 21 picture of it I believe, but I never took them off.
 22 They were just like stretchy shorts that I could
 23 just pull up.
 24 **Q. Did you put any water on your butt?**

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1 A. Yes.
 2 **Q. Did you pour water over it or how did that**
 3 **work?**
 4 A. Yeah. I poured like water from out the
 5 sink.
 6 **Q. Do you know what kind of cream the hospital**
 7 **gave you?**
 8 A. No.
 9 **Q. Did you ever go to a burn clinic?**
 10 A. No.
 11 **Q. Did you ever go to see a social worker in**
 12 **relation to this incident?**
 13 A. No.
 14 **Q. Did you go to a counselor in relation to**
 15 **this incident?**
 16 A. No.
 17 **Q. How about a psychiatrist?**
 18 A. No.
 19 **Q. How about a psychologist?**
 20 A. No.
 21 **Q. Have you seen a plastic surgeon in relation**
 22 **to this incident?**
 23 A. No.
 24 **Q. Do you have a -- any tattoos on your left**

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1 **leg?**
 2 A. Yes.
 3 **Q. Where is that?**
 4 A. It's at the top of my thigh.
 5 **Q. In the front?**
 6 A. Kind of on the side.
 7 **Q. The side of your left -- the topside of**
 8 **your left thigh?**
 9 A. Yes.
 10 **Q. When did you get that?**
 11 A. I'm not sure. It was a few years ago.
 12 **Q. Was it before or after this incident?**
 13 A. I really don't remember.
 14 **Q. I'm going to show you a photo -- two**
 15 **photographs. I'll do them one at a time, just give**
 16 **me one moment. You see that on your screen?**
 17 A. Yes.
 18 **Q. Is that what your -- the back of your phone**
 19 **looked like after the incident?**
 20 A. Yes.
 21 MR. ROTHERMEL: May I ask is that
 22 from the -- before the destructive and
 23 non-destructive testing? I couldn't hear
 24 them. Did you hear the question?

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Pages 101 to 104

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1 MS. FOREMAN: What was the
2 question?
3 MR. ROTHERMEL: Was this a
4 photograph that was taken at the
5 destructive/non-destructive testing?
6 MS. FOREMAN: I believe so. And
7 I apologize. My computer is acting a
8 little slow right now.
9 MR. ROTHERMEL: No. You're doing
10 great. I just finished an eight-day Zoom
11 trial in Collinsport. It was like, oh, my
12 God, I don't know. We had a couple hundred
13 exhibits and it was -- I needed a -- I
14 needed a high-tech person to do the share
15 because it was impossible.
16 MS. FOREMAN: I may have to pop
17 off and resign on just because my
18 connection has sort of petered out here.
19 I'm going to try to stay connected, but.
20 MS. TO: Melanie, you still
21 there? I think she's probably off. We can
22 probably just go off video and off the
23 transcript while she's reconnecting.
24 VIDEOGRAPHER: The time is 1:18

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1 p.m. We are going off the video record.
2 (At this time, a short break was
3 taken.)
4 VIDEOGRAPHER: The time is 1:19
5 p.m. We are now back on the video record.
6 BY MS. FOREMAN:
7 **Q. Can you see the photo up on the screen?**
8 A. Yes.
9 **Q. Is that what your phone looked like after**
10 **the incident?**
11 A. Yes.
12 **Q. And again, you don't know who had the phone**
13 **before you took it to your attorney?**
14 A. No.
15 **Q. When did you first think about filing a**
16 **lawsuit?**
17 A. My mom handled everything, so.
18 MS. FOREMAN: I'm going to pass
19 it along to one of the other attorneys
20 while I also look at my notes.
21 BY MR. PECCI:
22 **Q. I'll jump in with a few. Good afternoon,**
23 **my name is Marc Pecci.**
24 **You mentioned earlier that there were some**

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1 **family trips with regard to things that may have**
2 **been impacted by the incident.**
3 **Did you actually miss any family trips**
4 **because of the burn?**
5 A. I didn't miss the trips. I just missed out
6 on the activities.
7 **Q. And what were the activities?**
8 A. Just like getting in the ocean, going
9 swimming, riding rides, it was just like stuff like
10 that.
11 **Q. When did you miss out on swimming in the**
12 **ocean?**
13 A. You said when?
14 **Q. When?**
15 A. I'm not sure on the exact dates, but we go
16 to like Atlantic City and stuff multiple times in
17 the summer.
18 **Q. All right. Well, this incident happened in**
19 **the summer of 2016.**
20 **Did you miss any opportunities to go**
21 **swimming in the ocean in Atlantic City that summer?**
22 A. Yes. And I missed the school trip at
23 Dorney Park. I wasn't able to swim or ride the
24 rides, as well.

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1 **Q. Let's stay with Atlantic City and the**
2 **ocean.**
3 **So how many times in the summer of 2016**
4 **after this first happened did you miss an**
5 **opportunity to swim in the ocean?**
6 A. Two times.
7 **Q. Okay. What about the next summer, 2017,**
8 **did you miss any opportunities to go in the ocean**
9 **then or were you okay to do that by then?**
10 A. Oh, no. I missed activities in that
11 summer, as well.
12 **Q. What activities did you miss in that**
13 **summer, as well?**
14 A. I missed the pool at Dorney Park. We went
15 there as a family trip. And we went to Atlantic
16 City multiple times. I'm not sure on how many times
17 it was.
18 **Q. Okay. So you weren't able to go into the**
19 **pool or in the ocean in the summer of 2017. Is that**
20 **what you're telling us?**
21 A. Yes.
22 **Q. What about the summer of 2018; were you**
23 **able to go in the ocean then?**
24 A. I'm not sure.

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1 **Q. Well, this is two years after the incident.**
 2 **I think you already testified that you pretty well**
 3 **had healed at that point, right?**
 4 A. '18, yes, I'm not sure. I don't think we
 5 had any beach trips in 2018.
 6 **Q. Okay. So that summer you and your family**
 7 **didn't go down to Atlantic City multiple times?**
 8 A. No.
 9 **Q. What year was the school trip to Dorney**
 10 **Park?**
 11 A. It was July 2017.
 12 **Q. Did you miss any other school trips besides**
 13 **that one?**
 14 A. No.
 15 **Q. In preparation for your deposition today,**
 16 **did you review the complaint that actually started**
 17 **this lawsuit?**
 18 A. No.
 19 **Q. Did you ever review the complaint that you**
 20 **filed or was filed on your behalf by your lawyers**
 21 **that started this case?**
 22 A. I'm not sure what you mean. Could you
 23 repeat that?
 24 **Q. Well, the complaint is the legal document,**

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1 **and you can always talk to your lawyer off the**
 2 **record if you want before you continue, but that's**
 3 **what starts the lawsuits.**
 4 **It sets forth the factual allegations and**
 5 **then you say and this is why you defendants did**
 6 **something wrong.**
 7 **So that's what this is. Are you familiar**
 8 **with that complaint?**
 9 A. Yes.
 10 **Q. All right. Are you aware that paragraph 11**
 11 **of the complaint says that your iPhone 6 was in your**
 12 **back pocket when the phone suddenly and without**
 13 **warning exploded?**
 14 A. No.
 15 **Q. Was your iPhone in your back pocket when it**
 16 **made this loud boom?**
 17 A. No.
 18 **Q. Was the phone in your back pocket at all at**
 19 **any time in relation to the incident that you say**
 20 **caused those burns?**
 21 A. No.
 22 **Q. Okay.**
 23 MR. ROTHERMEL: Apologies for
 24 that.

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1 MR. PECCI: I'm sorry?
 2 MR. ROTHERMEL: Apologies for
 3 that.
 4 MR. PECCI: No need, Frank.
 5 BY MR. PECCI:
 6 **Q. The tattoo that you were being asked about**
 7 **a short while ago, did you get that before or after**
 8 **you were 16?**
 9 A. Probably after.
 10 **Q. Did you go to an actual tattoo parlor to**
 11 **get that done or did somebody do that for you?**
 12 A. Somebody did it for me.
 13 **Q. Okay. So did you pay for it?**
 14 A. Yes.
 15 **Q. Did you need your parents' consent in order**
 16 **to get the tattoo?**
 17 A. No.
 18 **Q. What's the tattoo of?**
 19 A. It's a flower.
 20 **Q. How big?**
 21 A. It's like mid-sized.
 22 **Q. Could you describe that in inches for me**
 23 **instead of just mid-sized?**
 24 A. I'm not too sure on measurements, but it's

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1 kind of -- it's like kind of like a medium-sized
 2 flower.
 3 **Q. Do you have any photos of it that you took?**
 4 A. No.
 5 **Q. And so I believe you said on the top of**
 6 **your left thigh, right?**
 7 A. Yes.
 8 **Q. Is that the front of your left thigh, the**
 9 **side of your left thigh, the rear?**
 10 A. It's kind of like on the side. Some of it
 11 is touching the front.
 12 **Q. So sort of like your left hip area moving**
 13 **to the front of your thigh?**
 14 A. Yes.
 15 **Q. Is it in color?**
 16 A. No.
 17 **Q. I think, if I heard your testimony**
 18 **correctly, that you said that you were wearing a**
 19 **t-shirt and a pair of shorts when this happened. Am**
 20 **I right?**
 21 A. Yes.
 22 **Q. What was the t-shirt made of?**
 23 A. Cotton.
 24 **Q. And what were the shorts made of?**

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Pages 109 to 112

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1 A. Cotton.
 2 **Q. Did the shorts have any pockets in them?**
 3 A. No.
 4 **Q. Was the t-shirt tucked into your shorts or**
 5 **outside of your shorts?**
 6 A. Outside of my shorts.
 7 **Q. Do you remember what color the shorts and**
 8 **the t-shirt were?**
 9 A. I believe the shorts and the shirt was
 10 black.
 11 **Q. Was there any damage at all to the shorts**
 12 **or the t-shirt after this fire?**
 13 A. No.
 14 **Q. No?**
 15 A. No.
 16 **Q. There were no holes in them?**
 17 A. No.
 18 **Q. There were no burn marks on them?**
 19 A. No.
 20 **Q. No scorching marks on them?**
 21 A. No. The shorts were like -- they were
 22 small shorts.
 23 **Q. So at no time was either the t-shirt or the**
 24 **shorts actually on fire. Is that true or false?**

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1 A. True.
 2 **Q. And you said that your sister and perhaps**
 3 **your cousin had to actually put fire out on your**
 4 **skin?**
 5 A. Yes.
 6 **Q. How long would you estimate it was between**
 7 **when the loud boom occurred and when you were out in**
 8 **your backyard and your family started trying to put**
 9 **this fire out on your leg?**
 10 A. I would say about -- probably about two
 11 minutes.
 12 **Q. In that two-minute period, did you feel any**
 13 **pain in the area where you say the burn is?**
 14 A. No.
 15 **Q. None at all?**
 16 A. No.
 17 **Q. Where was your father when this happened?**
 18 A. He was at the park.
 19 **Q. What park?**
 20 A. It's called the Martin Luther King Center.
 21 **Q. And where was that in relation to where you**
 22 **were living at the time on -- what was that, Turner**
 23 **Street?**
 24 A. Yes. It was a block across.

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1 **Q. A block across what?**
 2 A. From Turner Street, actually, it was two
 3 blocks across. You could see the park from the
 4 house.
 5 **Q. Okay. I believe you then said your sister**
 6 **called your grandmother and then she called your**
 7 **mother?**
 8 A. My sisters and cousin called my grandmom,
 9 but I called my mom.
 10 **Q. Where was your mom at the time?**
 11 A. She was at work.
 12 **Q. And where was she working then?**
 13 A. Worldwide Flight Services.
 14 **Q. Is that at the airport?**
 15 A. Yes.
 16 **Q. And that was where you were working for a**
 17 **period of time, too, right?**
 18 A. Yes.
 19 **Q. Was she also a -- what was it called, a**
 20 **gate agent?**
 21 A. Yes, a cargo agent.
 22 **Q. A cargo agent. Did she come home after you**
 23 **called her?**
 24 A. Yes.

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1 **Q. Was she able to leave work immediately and**
 2 **come meet you?**
 3 A. Yes.
 4 **Q. How long did it take her to get home?**
 5 A. It took her about 15 minutes.
 6 **Q. And I kind of -- while we've been doing the**
 7 **deposition, I looked at where -- and it was 2046**
 8 **Turner Street in Philadelphia, right?**
 9 A. Yes.
 10 **Q. What area of Philadelphia would you call**
 11 **that?**
 12 A. North Philadelphia.
 13 **Q. And did your mom's employer have a facility**
 14 **at the Philadelphia International Airport or**
 15 **someplace else?**
 16 A. Could you repeat that?
 17 **Q. Yeah. Where was your mother coming from?**
 18 A. She was coming from the airport.
 19 **Q. How soon after you called your mother --**
 20 **well, let me back up.**
 21 **Who called the EMTs or fire department,**
 22 **whichever entity arrived first?**
 23 A. My dad.
 24 **Q. How long after you were now in the backyard**

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<p>1 was it before your father arrived?</p> <p>2 A. He arrived probably a minute or two later.</p> <p>3 Q. What did your father do when he got there?</p> <p>4 A. He called the fire department or the</p> <p>5 ambulance.</p> <p>6 Q. I assume he just dialed 911 or do you not</p> <p>7 know?</p> <p>8 A. Yeah. I'm not sure.</p> <p>9 Q. Okay. Did your grandmother come over?</p> <p>10 A. No. She -- she actually didn't believe us.</p> <p>11 Q. How do you know that?</p> <p>12 A. She told us that she thought we was playing</p> <p>13 around.</p> <p>14 Q. Did she say what she thought you were</p> <p>15 doing?</p> <p>16 A. No. She just was telling us like stop</p> <p>17 playing and stuff like that and where was my mom and</p> <p>18 stuff like that.</p> <p>19 Q. Were you guys playing with lighters or</p> <p>20 matches or anything?</p> <p>21 A. No.</p> <p>22 Q. Were you smoking anything, cigarettes,</p> <p>23 cigars, whatever?</p> <p>24 A. No.</p> <p style="text-align: right;">117</p>	<p>1 A. No.</p> <p>2 Q. Was it between a sheet -- because you had a</p> <p>3 contour sheet, right, right?</p> <p>4 A. Yes.</p> <p>5 Q. And you had a blanket, right?</p> <p>6 A. Yes.</p> <p>7 Q. And no pillows?</p> <p>8 A. Yes.</p> <p>9 Q. Was it -- the phone between the contour</p> <p>10 sheet and the blanket?</p> <p>11 A. No. It was just on the sheet.</p> <p>12 Q. Okay. So it was on the sheet, but the</p> <p>13 blanket wasn't covering it?</p> <p>14 A. Yeah, no.</p> <p>15 Q. That's confusing to me. Was the blanket</p> <p>16 covering the phone that was on the sheet?</p> <p>17 A. No.</p> <p>18 Q. Okay. So when you say it was a loud boom</p> <p>19 as if a gun went off, was it really that loud as if</p> <p>20 somebody just shot a gun?</p> <p>21 A. Yes.</p> <p>22 Q. Did you see any sparks come out of it?</p> <p>23 A. No.</p> <p>24 Q. Did I hear you say that you weren't sure</p> <p style="text-align: right;">119</p>
<p>1 Q. How long after your father called 911 did</p> <p>2 they arrive?</p> <p>3 A. They arrived the same time as my mom. I</p> <p>4 would say like probably ten minutes or more.</p> <p>5 Q. Is that an estimation?</p> <p>6 A. Yes. I would probably say like ten minutes</p> <p>7 after.</p> <p>8 Q. And I think you said that your mother</p> <p>9 traveled with you via the ambulance to Hahnemann?</p> <p>10 A. Yes.</p> <p>11 Q. I want to make sure that I heard the</p> <p>12 testimony correctly. My notes say that you heard a</p> <p>13 sound like a loud boom as if a gun went off. Is</p> <p>14 that what you had said?</p> <p>15 A. Yes.</p> <p>16 Q. And at that point, I think based on other</p> <p>17 testimony, you were seated on the bed. The phone</p> <p>18 was somewhere close by you, maybe on your left side,</p> <p>19 with your legs dangling off the bed. So far</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Was the phone underneath the -- the sheet?</p> <p>23 A. No. It was on top.</p> <p>24 Q. Got it. Was it also on top of the blanket?</p> <p style="text-align: right;">118</p>	<p>1 the source of that boom?</p> <p>2 A. Yes.</p> <p>3 Q. Even though it was right next to you?</p> <p>4 A. Yes.</p> <p>5 Q. What did you think the source of the sound</p> <p>6 was?</p> <p>7 A. I wasn't sure at the moment. I noticed the</p> <p>8 fire once my sister came in the room.</p> <p>9 Q. And then I don't think that was my -- I was</p> <p>10 trying to figure out what you thought may have</p> <p>11 caused that loud boom.</p> <p>12 Did you think it was a gunshot outside or</p> <p>13 did you think it was a backfire from a car? What</p> <p>14 did you think it was?</p> <p>15 A. Honestly, I don't remember. I just</p> <p>16 remember it was a really loud noise.</p> <p>17 Q. Okay. And again, these are just my notes,</p> <p>18 so I'm just going to double check your testimony.</p> <p>19 If I recall, I thought you said that once</p> <p>20 you heard that noise, you stood up from the bed?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So you didn't sit on the bed for any</p> <p>23 period of time. Once you heard that noise, you</p> <p>24 stood up?</p> <p style="text-align: right;">120</p>

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<p>1 A. Yes.</p> <p>2 Q. At that point, did you feel anything on</p> <p>3 your butt?</p> <p>4 A. No.</p> <p>5 Q. It wasn't hurting?</p> <p>6 A. No.</p> <p>7 Q. It wasn't burning?</p> <p>8 A. No.</p> <p>9 Q. And obviously, your clothes weren't burning</p> <p>10 because they were never burned, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And then you stood -- when you stood up,</p> <p>13 you looked and you saw that the bed was on fire?</p> <p>14 A. Yes.</p> <p>15 Q. What was exactly burning?</p> <p>16 A. The sheets and the plastic and the phone.</p> <p>17 Q. And the phone. Did you see actual flames?</p> <p>18 A. Yes.</p> <p>19 Q. Was the blanket burning at all at this</p> <p>20 point?</p> <p>21 A. No.</p> <p>22 Q. And it sounds to me like your sister and</p> <p>23 your cousin came in pretty quickly after that,</p> <p>24 right?</p> <p style="text-align: right;">121</p>	<p>1 Q. When you threw the sheet and the phone out</p> <p>2 the window, where did it land exactly?</p> <p>3 A. It landed like right outside the window.</p> <p>4 It was on the concrete kind of.</p> <p>5 Q. Was there like a concrete patio down there?</p> <p>6 A. Yes. It was half concrete, half dirt.</p> <p>7 Q. Was the backyard enclosed by a wall or a</p> <p>8 fence at all?</p> <p>9 A. A gate.</p> <p>10 Q. Well, what did the gate open into?</p> <p>11 A. The gate opened into the front of our block</p> <p>12 to the backyard.</p> <p>13 Q. When you came downstairs and went to the</p> <p>14 backyard, was the sheet on fire still?</p> <p>15 A. No.</p> <p>16 Q. Was the phone on fire?</p> <p>17 A. No.</p> <p>18 Q. And I think -- I think you said that at no</p> <p>19 point did -- well, let me ask this. You can tell me</p> <p>20 if you already said something about it.</p> <p>21 Did anybody put any water on the phone to</p> <p>22 make sure that it wasn't going to blow up again?</p> <p>23 A. I'm not sure. I don't think so.</p> <p>24 Q. And I think one of the things you said is</p> <p style="text-align: right;">123</p>
<p>1 A. Yes.</p> <p>2 Q. And then you all tried to put the fire out?</p> <p>3 A. Yes.</p> <p>4 Q. When you gathered up -- what was it you</p> <p>5 threw out the window? Was it just the sheet and the</p> <p>6 phone or was it the blanket, too?</p> <p>7 A. Just the sheet and the phone.</p> <p>8 Q. This bedroom that you were in -- it was a</p> <p>9 bedroom, right?</p> <p>10 A. Yes.</p> <p>11 Q. Where did it -- where was it in relation to</p> <p>12 the front yard or the backyard, closer to the back</p> <p>13 of the house, front of the house?</p> <p>14 A. Yes. It was close to the back.</p> <p>15 Q. Did it have a window facing out the back?</p> <p>16 A. Yes.</p> <p>17 Q. This house did not have windows on the</p> <p>18 side, correct?</p> <p>19 A. Just one in the bathroom.</p> <p>20 Q. Is the bathroom a smaller addition off the</p> <p>21 back of this house?</p> <p>22 A. Yes.</p> <p>23 Q. And you were on the third floor, correct?</p> <p>24 A. Yes.</p> <p style="text-align: right;">122</p>	<p>1 that you stood up in school sometimes instead of</p> <p>2 sitting down because of the burn. Did I hear you</p> <p>3 tell me that?</p> <p>4 A. Yes.</p> <p>5 Q. For what period of time did you</p> <p>6 occasionally stand instead of sit at school?</p> <p>7 A. So around this time school started at 9:00.</p> <p>8 I would leave at 1:00 most days.</p> <p>9 Q. Are you saying you had to be in school at</p> <p>10 9:00 and then you would finish at 1:00?</p> <p>11 A. Yes.</p> <p>12 Q. My question was a little more specific.</p> <p>13 Was there a period of time that you stood instead of</p> <p>14 sitting at school because of this burn?</p> <p>15 A. Yes.</p> <p>16 Q. How long?</p> <p>17 A. Almost the whole day, I couldn't sit at</p> <p>18 all.</p> <p>19 Q. Okay. And for how many weeks or months or</p> <p>20 whatever the time period was?</p> <p>21 A. I'm not sure.</p> <p>22 Q. Okay. You also told us that sleeping</p> <p>23 wasn't comfortable.</p> <p>24 For what period of time was sleeping</p> <p style="text-align: right;">124</p>

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<p>1 uncomfortable before it wasn't uncomfortable 2 anymore? 3 A. It was a long period of time, probably like 4 a couple months. 5 Q. And when somebody uses the word a couple, I 6 like to find out what they mean by it because my 7 definition may be different from yours. What do you 8 mean? 9 A. It was about like I would say about five to 10 six months. 11 Q. Okay. 12 MR. PECCI: I think that those 13 are the only questions I have. I may have 14 some followup as we circle back around, but 15 thank you very much. 16 THE WITNESS: You're welcome. 17 BY MS. LEFFLER: 18 Q. Hi, Ms. McCoy. 19 A. Hi. 20 Q. My name is Erin Leffler and I represent 21 Apple in this lawsuit. 22 Before we start, I think I probably have 23 another -- at least another 30 minutes or so. So 24 I'm wondering -- this may be a good time now to take</p> <p style="text-align: right;">125</p>	<p>1 A. No. I barely use computers. 2 Q. Okay. And besides the phone device that 3 you've talked about today, whether that was the 4 iPhone 6 Plus that was stolen or the iPhone 6 Plus 5 involved in this incident or a phone later on, have 6 you used any other kind of like tablet or mobile 7 device or anything like that? 8 A. No. 9 Q. Okay. Have you ever called or emailed 10 Apple about this incident? 11 A. No. 12 Q. Okay. Do you know if anyone in your family 13 has called Apple about the incident? 14 A. No. 15 Q. No, you don't -- it was a bad question, so 16 let me ask it a different way. 17 Are you aware of anyone having called Apple 18 on your behalf? 19 A. No one called. 20 Q. Okay. Have you ever posted anything about 21 this incident on social media? 22 A. Yes. 23 Q. What social media like apps have you used 24 to post about this incident?</p> <p style="text-align: right;">127</p>
<p>1 a break. I don't know if you want to get something 2 to eat, whatever you want to do. Would you like to 3 take a break? 4 A. No. I'm fine. 5 MS. LEFFLER: Is everyone else 6 okay to continue? 7 MR. PECCI: I'm good. 8 MS. FOREMAN: Yes, thank you. 9 MS. LEFFLER: Okay. 10 BY MS. LEFFLER: 11 Q. So again, like the other attorneys here, 12 I'm going to try not to repeat what you've already 13 testified to. I may have to jump around a little 14 bit. 15 But before you filed this lawsuit, have you 16 ever filed any other kind of complaints about a 17 product or anything like that before? 18 A. No. 19 Q. Do you use a computer? 20 A. No. 21 Q. Did you use a computer back in 20 -- the 22 summer of 2006(sic) when this incident happened? 23 Like did you have your own computer like 24 for schoolwork or anything like that?</p> <p style="text-align: right;">126</p>	<p>1 A. Well, at the time it was Facebook. 2 Q. Okay. Any other apps, like Instagram or 3 TikTok, Snapchat, anything like that? 4 A. No. 5 Q. Okay. And when you posted on Facebook, 6 when did you post? 7 A. The same day as the incident. 8 Q. Do you remember generally what you posted? 9 A. Yes. 10 Q. What did you post? 11 A. I made a status and I said that my phone 12 had blew up. 13 Q. Did you post any pictures that day? 14 A. I don't believe so. 15 Q. Since the day of the incident, do you 16 recall -- like it's been almost -- I guess almost 17 exactly five years now. 18 Have you posted anything else about this 19 incident or this lawsuit on social media? 20 A. No. 21 Q. Okay. Have you ever posted anything about 22 Apple besides what you just described on the 23 Facebook post? 24 A. No.</p> <p style="text-align: right;">128</p>

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<p>1 Q. Have you ever performed any like research 2 of your own, looking at websites or anything like 3 that, related to the claims in this lawsuit? 4 A. I haven't researched, no, but I did like 5 see stuff. 6 Q. So -- and I don't want to get into anything 7 that you or your lawyer may have talked about. So 8 if you can answer this question without telling me 9 what you and your lawyer talked about, great. And 10 if not, just tell me that you can't; okay? 11 A. Okay. 12 Q. How did you come to see whatever you saw 13 that you just described? 14 A. Someone had showed me. 15 Q. Sorry, I'm sorry. What did you say? 16 A. I said someone had showed me, showed it to 17 me. 18 Q. And what did they show you? 19 A. It was just like an internet search with my 20 name on it. 21 Q. Who showed you that? 22 A. A friend. 23 Q. And was it soon after the incident happened 24 or was it later on?</p> <p style="text-align: right;">129</p>	<p>1 A. Yes. 2 Q. Okay. And is that a plan with your mom? 3 A. No. 4 Q. Okay. Who is the plan with? 5 A. My sister. 6 Q. Which sister is that? 7 A. Shamiyah McCoy. 8 Q. When your iPhone 6 Plus was stolen, so the 9 phone that you had before the phone you had on the 10 date of the incident, do you recall did you ever 11 file a report about that phone being stolen like or 12 contact the police? 13 A. I don't think the police was involved. 14 Q. Okay. So I think you said before that 15 either you or your mom reported the phone being 16 stolen to like a phone insurance program; is that 17 right? 18 A. Yes. 19 Q. Okay. Did you make that report or did your 20 mom? 21 A. My mom. 22 Q. Do you know if your mom contacted T-Mobile 23 or did she contact an actual insurance company? 24 A. I'm not sure.</p> <p style="text-align: right;">131</p>
<p>1 A. It was later on. 2 Q. And have you ever done any research about 3 the iPhone device, the 6 Plus device? 4 A. No. 5 Q. Okay. I just want to confirm. I think I 6 know the answer to this just because of how old you 7 were when this happened, but. 8 You're not claiming as part of this lawsuit 9 that you lost any wages or anything like that 10 related to a job, right? 11 A. No. 12 Q. Okay. Have you ever used any type of 13 e-cigarettes or a vape pen? 14 A. No. 15 Q. Do you know how long you've been a T-Mobile 16 customer? 17 A. I would probably say since I've been like 18 using phones. I haven't never been with any other 19 carriers before. 20 Q. Okay. And have you always been on a plan 21 with a family member? 22 A. Yes. 23 Q. Are you -- today, are you on someone's 24 family member plan?</p> <p style="text-align: right;">130</p>	<p>1 Q. As far as you know, was that iPhone 6 Plus 2 that was stolen did anyone ever recover that? 3 A. What do you mean, like give it back, or? 4 Q. Yeah. Like did you ever hear of someone 5 recovering the phone that was stolen? 6 A. Oh, no. 7 Q. Okay. Did you have any understanding that 8 the iPhone 6 Plus that was involved in this incident 9 that you said you received around March of 2016, did 10 you ever understand that that phone had been 11 refurbished or repaired before it came to you? 12 A. No. 13 Q. Did anyone ever tell you that it was a new 14 phone? 15 A. My mom told me it was a new phone. 16 Q. Okay. Did anyone from any company that was 17 providing the phone, whether or not it was T-Mobile 18 or someone else, did anyone ever indicate that the 19 phone was new to you or your mom? 20 A. I'm not sure. My mom always handled like 21 the phones. 22 Q. Okay. Did you have -- so I think I -- 23 based on what you just said, I think I know the 24 answers to these questions. But I'm just going to</p> <p style="text-align: right;">132</p>

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1 ask you to confirm; okay?

2 A. Okay.

3 Q. Did you have an understanding that a

4 company had performed a battery replacement on the

5 iPhone 6 Plus that you received that was involved in

6 this incident?

7 A. No.

8 Q. Did you have any understanding that a

9 company had replaced the back cover of the iPhone 6

10 Plus that was involved in this incident?

11 A. No.

12 Q. Did you have any understanding that the

13 camera on the iPhone 6 Plus that was involved in

14 this incident had been replaced or serviced before

15 you received it?

16 A. No.

17 Q. And did you have any idea that the screen

18 had been replaced on the iPhone 6 Plus before you

19 received it?

20 A. No.

21 Q. Okay. So you've testified a lot about sort

22 of what was in the box when the iPhone 6 Plus came

23 to you around March of 2016. And I just want to

24 make sure that I understand and I think I do.

133

1 When you opened the shipping box that it

2 was in, there was a smaller white box inside; is

3 that correct?

4 A. Yes.

5 Q. Do you know if that box was a box that had

6 an Apple logo on it?

7 A. Yes, it did.

8 Q. Okay. And inside the box, you said that

9 there was the phone, the charger and I think you

10 said some stickers?

11 A. Yes.

12 Q. Were the stickers just loose inside the box

13 or were they somewhere else?

14 A. I believe it was like inside the box like

15 under the phone if I'm not mistaken.

16 Q. They weren't attached to anything, right?

17 A. No.

18 Q. And what did the stickers look like, if you

19 remember?

20 A. They were like white stickers. I think

21 they were like Apple stickers.

22 Q. Okay. And did the charger -- usually, the

23 charger will have a part that plugs into the wall,

24 like maybe a little box or a cube and then an actual

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1 cord. Does that make sense to you, the two parts of

2 a charger?

3 A. Yes. That makes sense.

4 Q. In the box that you're describing, were

5 there both parts of a charger inside that box?

6 A. Yes. Yes. It was both parts.

7 Q. Okay. And I think you said -- you

8 testified before that you would typically look at

9 the -- I guess the plug-in part of the charger to

10 see if it said Apple or California on it; is that

11 right?

12 A. Yes.

13 Q. Did the charger that came in the box say

14 Apple on it?

15 A. Yes.

16 Q. I believe you said that that charger and

17 the cord that came in that box was the only charger

18 you ever used from whenever you received the iPhone

19 around March until the incident in July of 2016; is

20 that correct?

21 A. Yes.

22 Q. Okay. Were there headphones in the box

23 that came with the iPhone 6 Plus?

24 A. I'm not sure.

135

1 Q. Okay. The headphones that were eventually,

2 on the date of the incident, actually plugged into

3 the phone, what kind of headphones were those?

4 A. They were Apple -- Apple earphones.

5 Q. Okay. Do you know how you got those

6 headphones?

7 A. No. I don't remember.

8 Q. Okay. And I believe you said the box did

9 not come with any kind of written documentation,

10 whether or not it was a user guide or instructions

11 to go to a website to look at the user guide, right?

12 A. Yes.

13 Q. Did anyone else use the phone between when

14 you received it around March of 2016 until the date

15 of the incident?

16 A. No. No one used it.

17 Q. Was your iPhone 6 Plus password protected

18 on the date of the incident?

19 A. I believe so.

20 Q. And did you also have some other way to

21 open it, like maybe a fingerprint or something like

22 that?

23 A. Yes. It was -- I think it was like a

24 thumbprint.

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Pages 133 to 136

1 **Q. Okay. Generally speaking, between when you**
 2 **received the iPhone 6 Plus and the date of the**
 3 **incident, did you generally use the phone every day?**
 4 A. Yes.
 5 **Q. Okay. Did you usually take it with you**
 6 **most places that you went to?**
 7 A. Yes.
 8 **Q. How did you normally carry it? Did you**
 9 **normally have it in like a purse or a bag or in your**
 10 **pocket or something else?**
 11 A. Sometimes I'll have it in like a bag or
 12 sometimes I'll have it in a pocket.
 13 **Q. Okay. And you said that you never had any**
 14 **problems with the function or the performance of the**
 15 **phone before the date of the incident, right?**
 16 A. Yeah, no problem.
 17 **Q. Did the phone ever feel hot before the date**
 18 **of the incident?**
 19 A. No.
 20 **Q. You never dropped or damaged the phone,**
 21 **correct?**
 22 A. No.
 23 **Q. I just want to make sure, sorry. Let me**
 24 **take the correct out of there.**

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1 **Did you ever drop or damage the phone?**
 2 A. No.
 3 **Q. Was the screen on the phone cracked before**
 4 **the incident?**
 5 A. No.
 6 **Q. Did you ever try to like remove or replace**
 7 **the sim card or any of the screws on the phone?**
 8 A. No.
 9 **Q. I think you said before that this -- as far**
 10 **as you know, this device, this phone, was never**
 11 **repaired or modified as long as you had it between**
 12 **March and July, right?**
 13 A. Yeah, no.
 14 **Q. Did you ever take the iPhone 6 Plus to an**
 15 **Apple store for service?**
 16 A. I'm not sure if it was that phone or the
 17 one before. But the only time I would go to Apple
 18 is if like the earphones break and then they'll
 19 like -- I'll trade it in and get new ones and stuff
 20 like that, but never for nothing else.
 21 **Q. As you sit here today, do you remember**
 22 **going into an Apple store to replace headphones or**
 23 **earphones?**
 24 A. I replaced earphones a lot of times. I'm

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1 just not sure if I did with that phone or not.
 2 **Q. Okay. I want to ask you a couple questions**
 3 **now about what you testified to about the actual**
 4 **incident itself on July 17, 2016.**
 5 A. Okay.
 6 **Q. I think you -- you talked about how you**
 7 **heard the loud sound and you got up off the bed and**
 8 **you noticed that the sheet and the plastic covering**
 9 **of the mattress and the phone were on fire, correct?**
 10 A. Yes.
 11 **Q. When you say on fire, I'm trying to**
 12 **understand whether or not there were actual flames**
 13 **or if it was smoking or both. Can you tell me which**
 14 **it was?**
 15 A. It was actual flames. It was like actual
 16 orange fire. Afterwards, like when we put it out,
 17 it was like dark smoke.
 18 **Q. Okay. And at the time of the fire, the**
 19 **headphones were inserted into the phone, correct?**
 20 A. Yes.
 21 **Q. Were the headphones in the phone the night**
 22 **before when you were talking on the phone before you**
 23 **fell asleep?**
 24 A. Yes.

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1 **Q. And so you were -- you were listening to**
 2 **the phone call through the headphones?**
 3 A. Yes.
 4 **Q. Okay. Did the headphones stay in the phone**
 5 **all throughout the night until the next morning?**
 6 A. Yes.
 7 **Q. You said that you shared that bedroom with**
 8 **your sister; is that right?**
 9 A. Yes.
 10 **Q. Were there two different beds in the room?**
 11 A. It was one bed at the time.
 12 **Q. Okay. I just want to make sure. There's**
 13 **no video of any part of this incident, right, either**
 14 **in your bedroom or in the backyard afterwards?**
 15 A. No.
 16 **Q. Okay. Was there any smell in your room**
 17 **around the time of the fire or after you and your**
 18 **sister had put the fire out?**
 19 A. Yes. It was just like a burning smell. It
 20 was -- it was like a burning smell throughout the
 21 whole house.
 22 **Q. Okay. Was there anything other than the**
 23 **smell of just like a general burn?**
 24 **Was there anything else that was unique**

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<p>1 about the smell that you remember?</p> <p>2 A. No.</p> <p>3 Q. Okay. Do you know if -- you described how</p> <p>4 the phone was on the sheet but not under a blanket,</p> <p>5 right? The blanket was off to the side; is that</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Do you know if the phone was the</p> <p>9 front screen facing up or facing down at the time of</p> <p>10 the incident, if you remember?</p> <p>11 A. I think it was facing up.</p> <p>12 Q. Okay. And when you and your sister noticed</p> <p>13 the fire, were you able to tell, and I understand</p> <p>14 this happened probably very quickly and was scary,</p> <p>15 but I'm wondering if you were able to tell whether</p> <p>16 or not the fire was coming from a certain part of</p> <p>17 the phone, like the bottom of the phone or the top</p> <p>18 of the phone or anything like that or if it just all</p> <p>19 looked like flames?</p> <p>20 A. Yeah. I'm not sure. We just saw like a</p> <p>21 circle of fire. And I know that by the time I</p> <p>22 noticed the fire, I noticed it was the phone since</p> <p>23 the loud noise, ma'am.</p> <p>24 Q. Right. Do you know when the last time that</p> <p style="text-align: right;">141</p>	<p>1 Q. Okay. So after you -- after you got home</p> <p>2 from the hospital that day a few hours after the</p> <p>3 incident, do you remember where the phone was?</p> <p>4 Like do you remember if you went to look</p> <p>5 for it so you could take a look at the phone?</p> <p>6 A. No. I never looked for the phone. I'm not</p> <p>7 sure where it was.</p> <p>8 When I got back from the hospital that day,</p> <p>9 I didn't even like go to the third floor of the</p> <p>10 house.</p> <p>11 Q. Okay. So you can't tell us where the phone</p> <p>12 was stored after the incident or how it was stored;</p> <p>13 is that right?</p> <p>14 A. Yes, no. I just know that probably if my</p> <p>15 mom had it, it never left the sheet.</p> <p>16 Q. Okay. Is the sheet something that was</p> <p>17 thrown away eventually?</p> <p>18 A. No.</p> <p>19 Q. Do you know where that sheet is?</p> <p>20 A. My attorney has the sheet.</p> <p>21 Q. Okay. And do you know if after the</p> <p>22 incident and before your attorney took the phone, if</p> <p>23 anyone ever took a look, just examined the phone out</p> <p>24 of curiosity or tried to look at what happened to</p> <p style="text-align: right;">143</p>
<p>1 phone had been charged was?</p> <p>2 A. It was probably I would say the day before</p> <p>3 but like at 7:00 or 8:00 at night.</p> <p>4 Q. Okay. You said that you had a family</p> <p>5 reunion or a family party the night before?</p> <p>6 A. Yes.</p> <p>7 Q. Did you go to that party later on in the</p> <p>8 night, like after 7:00?</p> <p>9 A. No. We had went around like 3:00 p.m. that</p> <p>10 day before and we got home around like 7:00.</p> <p>11 Q. Okay. So you think you charged the phone</p> <p>12 when you got home after the party?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And I think you said, as best you</p> <p>15 can remember, the phone the next morning probably</p> <p>16 had maybe like a half a charge or something like</p> <p>17 that on the battery?</p> <p>18 A. I'm not sure what was the percentage of the</p> <p>19 phone, but it wasn't dead.</p> <p>20 Q. Okay. Do you recall when the last time the</p> <p>21 phone had a case on it?</p> <p>22 A. Probably like two days before, because I</p> <p>23 usually have a case on my phones when I be in</p> <p>24 school.</p> <p style="text-align: right;">142</p>	<p>1 the phone to cause the fire, anything like that?</p> <p>2 A. Did you say before or after?</p> <p>3 Q. That's a good question. Between the time</p> <p>4 of -- the date of the incident and whenever your</p> <p>5 attorney took over the phone or had, you know,</p> <p>6 received it, in whatever --</p> <p>7 Well, first of all, let me ask you this.</p> <p>8 Do you know how long that period of time was?</p> <p>9 A. No. But I don't believe it was too long.</p> <p>10 Q. Okay. So do you think it was a matter of</p> <p>11 like a few weeks or more than a year or something</p> <p>12 else?</p> <p>13 A. It was probably a few weeks, yeah. It was</p> <p>14 like soon.</p> <p>15 Q. So in that few weeks' time after the</p> <p>16 incident but before your attorney took the phone, do</p> <p>17 you know did you ever take a look at the phone and</p> <p>18 just try to examine it or see what had happened?</p> <p>19 A. Oh, no. I never saw the phone after the</p> <p>20 incident, yeah.</p> <p>21 Q. In that few weeks' time between the</p> <p>22 incident and when your attorney took the phone, are</p> <p>23 you aware of anyone else that would have taken a</p> <p>24 look at the phone or examined it to see what had</p> <p style="text-align: right;">144</p>

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<p>1 happened?</p> <p>2 A. Yes. I'm aware that like professionals</p> <p>3 probably examined it. But from my end, I never got</p> <p>4 anyone to do it, no.</p> <p>5 Q. Okay. So I understand, like as we sit here</p> <p>6 today, the phone has been looked at as part of the</p> <p>7 lawsuit.</p> <p>8 But besides the lawsuit examinations, are</p> <p>9 you aware of anyone, like family or friends or</p> <p>10 someone in your life, that would have looked at the</p> <p>11 device, phone?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you ever contact T-Mobile about</p> <p>14 this incident?</p> <p>15 A. No.</p> <p>16 Q. Did you ever get a replacement phone for</p> <p>17 the iPhone that was damaged in this incident?</p> <p>18 A. No.</p> <p>19 Q. Do you know why not? I mean like do you</p> <p>20 know if a claim was ever made like the stolen phone</p> <p>21 claim was made?</p> <p>22 A. I'm not sure. I just know that I didn't</p> <p>23 have another phone for a while.</p> <p>24 Q. Okay. How long did you go without a phone</p> <p style="text-align: right;">145</p>	<p>1 A. No.</p> <p>2 Q. Did you know that several screws on the</p> <p>3 exterior of the iPhone were missing?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you -- do you have any</p> <p>6 information on how a loose screw could have been</p> <p>7 inside the iPhone?</p> <p>8 A. No.</p> <p>9 Q. Would you have any information on how</p> <p>10 screws may have come loose on the iPhone?</p> <p>11 A. No.</p> <p>12 Q. Okay. As a result of that inspection,</p> <p>13 there's also -- the bottom of an iPhone where the</p> <p>14 charger goes, there's two screws that go like up</p> <p>15 into the iPhone from the bottom.</p> <p>16 And the inspection showed that one of those</p> <p>17 screws had been stripped. Do you know what a</p> <p>18 stripped screw is? Do you know what that means?</p> <p>19 A. No. No.</p> <p>20 Q. Okay. Do you have any information on</p> <p>21 someone that would have like used the wrong tool to</p> <p>22 try to open up the iPhone before this inspection?</p> <p>23 Do you know anything about that?</p> <p>24 A. No. No one has never did any work or</p> <p style="text-align: right;">147</p>
<p>1 after this incident?</p> <p>2 A. I would probably say about a couple months.</p> <p>3 I was just using my sister's phone here and there.</p> <p>4 But it was probably about three to four months.</p> <p>5 Q. Okay. And you now have an iPhone 11?</p> <p>6 A. Yes.</p> <p>7 Q. Did you -- how long have you had the iPhone</p> <p>8 11?</p> <p>9 A. I believe it's almost a year.</p> <p>10 Q. Okay. So you had some other phone after</p> <p>11 the incident but before you got the iPhone 11,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall what phone it was that you</p> <p>15 got after the incident?</p> <p>16 A. Yes. It was an iPhone 7.</p> <p>17 Q. So are you aware that the iPhone 6 Plus</p> <p>18 involved in this incident has been inspected in a</p> <p>19 laboratory, did you know that, as part of this</p> <p>20 lawsuit?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. As a result of that inspection, did</p> <p>23 you know that a loose screw was found inside the</p> <p>24 iPhone 6 Plus?</p> <p style="text-align: right;">146</p>	<p>1 anything on my phone.</p> <p>2 Q. Okay. Right before the incident, like the</p> <p>3 night before when you were using the iPhone, was</p> <p>4 there anything wrong with the speaker? Could you</p> <p>5 hear out of the speaker on the iPhone?</p> <p>6 A. I'm not sure if anything was wrong, but I</p> <p>7 always would like use earphones and stuff to talk.</p> <p>8 Q. Okay. And the home button, which is the</p> <p>9 button right below the screen like where you put</p> <p>10 your thumb to open it, did you ever have any problem</p> <p>11 with that the night before the incident?</p> <p>12 A. No.</p> <p>13 Q. Okay. I'm just going through these real</p> <p>14 quick so I don't have to come back to you, so just</p> <p>15 bear with me for one more second here.</p> <p>16 A. Okay.</p> <p>17 Q. Thank you for your patience.</p> <p>18 MR. ROTHERMEL: Rather than wait</p> <p>19 for the transcript, I was going to ask if</p> <p>20 you would be kind enough to just repeat</p> <p>21 your questions with regard to the missing</p> <p>22 pieces of the iPhone.</p> <p>23 MS. LEFFLER: Sure.</p> <p>24 MR. ROTHERMEL: Could you do that</p> <p style="text-align: right;">148</p>

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1 just real quick?

2 MS. LEFFLER: Yes, absolutely.

3 Let me just flip back here.

4 MR. ROTHERMEL: I believe you

5 said there were several missing screws.

6 MS. LEFFLER: So I had asked

7 different questions and I'll just for

8 the -- we can stay on the record.

9 But I had asked about a loose

10 screw that was found inside the iPhone.

11 MR. ROTHERMEL: Loose screw

12 inside the -- inside, okay.

13 MS. LEFFLER: Loose, but like

14 loose within the iPhone, right, not --

15 MR. ROTHERMEL: Okay.

16 MS. LEFFLER: That there were

17 several screws on the iPhone's exterior

18 that were missing and that one of the two,

19 they're called pentalobe screws,

20 P-E-N-T-A-L-O-B-E, but they're one of the

21 two screws that goes up on the bottom of

22 the iPhone by the charger, one of those --

23 MR. ROTHERMEL: P-E-N-T-E --

24 MS. LEFFLER: P-E-N-T-A-L-O-B-E,

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1 I think, that one of those screws was

2 stripped. I asked about that. And then I

3 asked --

4 MR. ROTHERMEL: That's at the

5 base of the charger.

6 MS. LEFFLER: Yes.

7 MR. ROTHERMEL: Okay.

8 MS. LEFFLER: And I asked about

9 whether or not the speaker was working and

10 the home button was working, you know,

11 right before the incident.

12 MR. ROTHERMEL: Okay. Thank you

13 for that.

14 MS. LEFFLER: Sure.

15 BY MS. LEFFLER:

16 **Q. Ms. McCoy, earlier in the deposition today,**

17 **you looked at some photographs of the injury on your**

18 **body and I'm wondering if you know -- if you recall**

19 **when the photos were taken.**

20 **So there was a set that seemed to be taken**

21 **very close to the date of the incident and then a**

22 **set later on when it was healed. Do you recall**

23 **that?**

24 A. Sorry, are you asking like do I know the

150

1 dates, the specific dates, they were taken?

2 **Q. Not specific dates, but I'm wondering, the**

3 **photos that were taken closer to the date of the**

4 **incident, do you know if it was a matter of like a**

5 **week later or a month later, if you're able to**

6 **estimate?**

7 A. I know that one of the pictures that I saw

8 was the same day.

9 **Q. Okay. And do you remember when that --**

10 **when a picture was taken on the day of the incident?**

11 A. You said when?

12 **Q. No. No. I'm just wondering like do you --**

13 **as you sit here today, can you remember that photos**

14 **were taken on the day of the incident?**

15 A. Yes.

16 **Q. Okay. Do you recall were you in the**

17 **hospital when the photos were taken?**

18 A. No.

19 **Q. So this was after when you were back home?**

20 A. It was before I went to the hospital, right

21 when I -- like after they put the fire out and I

22 started feeling it.

23 **Q. Okay. Who took those photos, if you**

24 **remember?**

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1 A. My sister.

2 **Q. And did she use her phone to take those**

3 **pictures?**

4 A. Yes.

5 **Q. Okay. And the pictures that were taken**

6 **later on after the wound had healed that show the**

7 **scar, do you recall what pictures I'm talking about**

8 **now?**

9 A. Yes.

10 **Q. Okay. Do you know approximately when those**

11 **were taken, whether or not it was like a year later**

12 **or if you have any recollection?**

13 A. I believe they were taken about two years

14 later.

15 **Q. And do you know who took those pictures?**

16 MR. ROTHERMEL: We had a

17 professional photographer to do that. The

18 ones -- they were the ones -- they were

19 taken shortly before you received them. I

20 believe that was in the summer of 2019.

21 MS. LEFFLER: Okay.

22 MR. ROTHERMEL: Shortly after

23 they were provided in discovery, they were

24 taken.

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Pages 149 to 152

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1 MS. LEFFLER: Sure.
 2 BY MS. LEFFLER:
 3 **Q. Ms. McCoy, do you recall being present when**
 4 **a professional photographer photographed your scars?**
 5 A. Yes.
 6 **Q. Okay. Where were you physically when those**
 7 **pictures were taken? Were you in your lawyer's**
 8 **office?**
 9 A. Okay. So for -- professional photographers
 10 took them twice I believe. One time it was at my
 11 house and once it was in my lawyer's office.
 12 **Q. Okay. And I believe you said that -- well,**
 13 **never mind, sorry, strike that.**
 14 MS. LEFFLER: I believe those are
 15 the only questions I have. Thank you so
 16 much, Ms. McCoy.
 17 THE WITNESS: You're welcome.
 18 MS. TO:
 19 **Q. Ms. McCoy, this is Cheng To again. I just**
 20 **have very quick one follow-up question.**
 21 **You testified that -- well, let me put it**
 22 **to you this way.**
 23 **You understand that since the lawsuit, the**
 24 **phone that's involved has been inspected by a number**

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1 **of experts as it relates to the lawsuit, right? You**
 2 **understand that?**
 3 A. Yes.
 4 **Q. Okay. Prior to the lawsuit, did any**
 5 **professionals or experts of any kind inspect that**
 6 **phone?**
 7 A. No.
 8 **Q. Okay.**
 9 MS. TO: That's all I wanted to
 10 know. Thank you very much. That's all I
 11 have.
 12 THE WITNESS: You're welcome.
 13 MR. ROTHERMEL: Is that it --
 14 okay.
 15 MS. FOREMAN: Quick question.
 16 BY MS. FOREMAN:
 17 **Q. Why was your mattress still in plastic at**
 18 **the time of the incident?**
 19 A. Usually, when we get new beds at home, my
 20 mom tells us to like keep the plastic on for like
 21 spills and stuff.
 22 **Q. And then I want to put McCoy-1 back up on**
 23 **the screen just one second.**
 24 **You had just testify that there is a photo**

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1 **that was taken the day of the incident before you**
 2 **went to the hospital. Is this that photograph?**
 3 A. Yes, I believe so.
 4 **Q. Okay. And just for the record, this photo**
 5 **is Bates stamped photo 000011, correct? Can you see**
 6 **that?**
 7 A. Yes. Yes.
 8 **Q. Okay. And then this next photograph, was**
 9 **this taken the day of the accident?**
 10 A. I believe that was after the hospital
 11 visit.
 12 **Q. Okay. But the date of the accident?**
 13 A. Yes.
 14 MR. ROTHERMEL: What's the Bates
 15 number for that one?
 16 MS. FOREMAN: One second, I need
 17 to zoom in for that.
 18 MR. ROTHERMEL: Just so it's
 19 clear for the record.
 20 BY MS. FOREMAN:
 21 **Q. Yep. And for the record, that's photo**
 22 **000012, correct?**
 23 A. Yes.
 24 **Q. Okay, thank you. And you said that a**

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1 **professional photographer came to take photos of you**
 2 **on two occasions, once at your home and once at your**
 3 **lawyer's office.**
 4 **Did those take place around the same time?**
 5 A. I'm not sure.
 6 **Q. Were they both a few years after the**
 7 **accident happened?**
 8 A. I think the one that took place at my home
 9 I don't -- I think it may have been closer to the
 10 incident after.
 11 **Q. Okay. And then the other --**
 12 A. I'm not really sure. Could you say that
 13 again?
 14 **Q. And the other one was two years after the**
 15 **accident?**
 16 A. Yes.
 17 **Q. And how does the scar look today?**
 18 A. The scar looks the same as the photos that
 19 we saw earlier, the dark -- it's like a dark scar.
 20 **Q. I'll --**
 21 MR. ROTHERMEL: I think we talked
 22 about that earlier, too.
 23 BY MS. FOREMAN:
 24 **Q. Is this what the scar looks like today?**

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Pages 153 to 156

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1 A. Yes.
 2 **Q. Okay. And for the record, that's photo**
 3 **000003 if you can see that down there at the bottom**
 4 **corner.**
 5 **Does the scar affect anything that you are**
 6 **able to wear in terms of clothing?**
 7 A. Yes.
 8 **Q. What -- what does it affect in that regard?**
 9 A. It just affects my appearance as like if
 10 I'm out and like bathing suit clothes or like swim
 11 clothes and stuff like that. I'm just not
 12 comfortable with showing it too much.
 13 **Q. So -- go ahead.**
 14 A. It's just like brings a little bit of
 15 insecurity.
 16 **Q. Other than swim clothes, does it affect any**
 17 **other kind of clothing that you wear?**
 18 A. No.
 19 **Q. And I'll ask you about your insurance card**
 20 **at the very finish.**
 21 MS. FOREMAN: I'll pass it along.
 22 MR. PECCI: I have nothing else.
 23 MS. LEFFLER: I have nothing
 24 else. Thank you.

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1 MR. ROTHERMEL: Everybody, give
 2 me like two minutes and I'm going to come
 3 back on. I want to check something; okay?
 4 MR. PECCI: Okay.
 5 MS. FOREMAN: While you're off,
 6 can you check if she has her health
 7 insurance card?
 8 MR. ROTHERMEL: Sure, I'll do
 9 that, too.
 10 MS. FOREMAN: Thanks.
 11 VIDEOGRAPHER: Do you need me to
 12 go off record?
 13 MS. TO: Yes. We're done, right?
 14 Wait, hold on, did Frank mean that we're
 15 done?
 16 VIDEOGRAPHER: I heard him say he
 17 needed to check something.
 18 MR. PECCI: Yeah.
 19 VIDEOGRAPHER: The time is 2:26
 20 p.m. We are going off the video record.
 21 (At this time, a short break was
 22 taken.)
 23 VIDEOGRAPHER: The time is 2:30
 24 p.m. We are now back on the video record.

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1 MR. ROTHERMEL: Okay. So when I
 2 became involved in this case, I had the
 3 phone which we kept -- you know, we
 4 separately kept it. It was not, you know,
 5 opened or investigated by anybody until it
 6 was delivered for the non-destructive
 7 testing.

8 I did have the sheet, though. I
 9 have it here, okay. And when I just opened
 10 it up, brought it up here, I don't know if
 11 you can see this, there's a bag which
 12 appears to be, I don't know, I'm assuming
 13 these are the headphones.

14 Can you guys see that? I can't
 15 tell if you can see it. Can you guys see
 16 that?

17 MR. PECCI: Yes. We can, Frank.
 18 It's not super clear. But we can see that
 19 there is a plastic bag with some black
 20 wires in there.

21 MR. ROTHERMEL: Okay. So now, I
 22 have to -- we should discuss -- first of
 23 all, I apologize for not looking at the
 24 sheet and seeing these before we went

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1 through our non-destructive and destructive
 2 testing.

3 But I don't know. Here, I'll
 4 just show you. Here's the sheet. I don't
 5 know if you can -- that's -- and I'll just
 6 pull it up further.

7 Just this one place appears to
 8 have a -- okay. So I just wanted to say
 9 that.

10 And then we can go off the record
 11 and then determine whatever you guys want
 12 to do. You know, I'll obviously send it
 13 to --

14 Is it -- the non-destructive
 15 testing lab, is it the same place in
 16 Delaware?

17 MS. TO: No. Do we want to go --
 18 do you want to stay on the record for this
 19 part?

20 MR. ROTHERMEL: No. We don't
 21 have to. We can go off.

22 MR. PECCI: I don't think we need
 23 to.

24 MS. LEFFLER: I don't care. I

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Ishynique McCoy 07/19/2021

1	just --	1	INSTRUCTIONS TO WITNESS
2	MS. TO: Yeah. We can just go	2	
3	off. Sorry, I didn't mean to interrupt	3	Please read your deposition
4	you.	4	over carefully and make any necessary
5	MS. FOREMAN: Before we go off	5	corrections. You should state the reason
6	the record, did Ms McCoy have her health	6	in the appropriate space on the errata
7	insurance card?	7	sheet for any corrections that are made.
8	MR. ROTHERMEL: Can you speak up	8	After doing so, please sign the
9	a little bit?	9	errata sheet and date it.
10	MS. FOREMAN: Before we go off	10	You are signing same subject to
11	the record, did Ms. McCoy have her health	11	the changes you have noted on the errata
12	insurance card.	12	sheet, which will be attached to your
13	MR. ROTHERMEL: Oh, right, yeah.	13	deposition.
14	It is Keystone First. Her ID is Y, as in	14	It is imperative that you return
15	yellow, X as in X, M, as in Michael,	15	the original errata sheet to the deposing
16	51008251, date of birth, 12/18/98 and	16	attorney within thirty (30) days of receipt
17	Keystone First. Anything else you need?	17	of the deposition transcript by you. If
18	MS. FOREMAN: Nope, thank you.	18	you fail to do so, the deposition
19	MR. ROTHERMEL: Okay.	19	transcript may be deemed to be accurate and
20	VIDEOGRAPHER: Are we going off	20	may be used in court.
21	the record?	21	
22	MR. ROTHERMEL: Sure.	22	
23	VIDEOGRAPHER: The time is 2:34	23	
24	p.m. We are going off the video record.	24	
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1	(Witness excused.)	1	-----
2	(Deposition concluded at 2:36	2	E R R A T A
3	p.m.)	3	-----
4		4	PAGE LINE CHANGE
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Ishynique McCoy 07/19/2021

1 ACKNOWLEDGMENT OF DEPONENT

2
3 I, Ishynique McCoy, do hereby
4 certify that I have read the foregoing
5 pages, and that the same is a correct
6 transcription of the answers given by me to
7 the questions therein propounded, except
8 for the corrections or changes in form or
9 substance, if any, noted in the attached
10 errata sheet.

11
12 DATE

13 Ishynique McCoy

14
15 Subscribed and sworn to before me.
16 My commission expires March 2023.

17
18
19 CAROL NEALIS
20 NOTARY PUBLIC
21
22
23
24

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1 CERTIFICATE

2
3 I, CAROL NEALIS, Court Reporter, certify that
4 the foregoing is a true and accurate transcript of
5 the foregoing deposition, that the witness was first
6 sworn by me at the time, place and on the date
7 herein before set forth.

8 I further certify that I am neither attorney nor
9 counsel for, not related to nor employed by any of
10 the parties to the action in which this deposition
11 was taken; further, that I am not a relative or
12 employee of any attorney or counsel employed in this
13 case, nor am I financially interested in this
14 action.

15
16
17
18
19
20
21 Carol Nealis
22 Notary Public # 1261298
23 County of Philadelphia
24 My commission expires
3/22/2023

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